S. Hrg. 99-968

COMMERCIAL MOTOR VEHICLE SAFETY ACT OF 1985

HEARING

BEFORE THE

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION UNITED STATES SENATE

NINETY-NINTH CONGRESS

SECOND SESSION

ON

S. 1903

TO IMPROVE THE SAFE OPERATION OF COMMERCIAL MOTOR VEHICLES, AND FOR OTHER PURPOSES

JULY 15, 1986

Printed for the use of the
Committee on Commerce, Science, and Transportation

U.S. GOVERNMENT PRINTING OFFICE
64-450 O WASHINGTON : 1986

For sale by the Superintendent of Documents, Congressional Sales Office
U.S. Government Printing Office, Washington, DC 20402

S261-11

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COMMERCIAL MOTOR VEHICLE SAFETY ACT OF 1985

TUESDAY, JULY 15, 1986

U.S. Senate,
Committee on Commerce, Science, and Transportation,
Washington, DC.

The committee met, pursuant to notice, at 9:31 a.m., in room SR-253, Russell Senate Office Building, Hon. John Danforth, (chairman of the committee) presiding.

Staff members assigned to this hearing: Alan Maness, professional staff member, and Linda Morgan, minority staff counsel.

OPENING STATEMENT BY THE CHAIRMAN

The Chairman. This is a hearing on S. 1903, the Commercial Motor Vehicle Safety Act of 1985, which Senator Packwood and I introduced last year.

The last figures available on motor carrier safety are for 1984 and that information shows that more than 37,000 truck accidents were reported to the Department of Transportation, and these accidents resulted in over 2,700 fatalities and over 29,000 injuries.

Truck accidents jumped 18 percent between 1983 and 1984.

The figures for 1984 are not complete as yet, but already they show well over 39,000 accidents, which is a 6-percent increase over 1984.

Intercity bus accidents have been less numerous than truck related incidents, but they can involve more injury and death. The recent bus accident in Walker, CA, which killed 20 elderly people and injured 21 more, is a case in point.

S. 1903 includes several provisions which are designed to prevent such tragedies.

S. 1903 would require the Secretary of Transportation to promulgate a rule to provide individuals who operate motor carriers with a national commercial motor vehicle operator's license.

Most commercial vehicle operators are responsible professionals, but there are some unqualified drivers and some unsafe drivers who continue driving by spreading the traffic violations across multiple licenses. By establishing a national commercial driver's license, we can be assured that national standards for testing, both written and over the road, are established and utilized, and that drivers have a single license and a single driving record.

Second, this bill would provide incentive grants to States so that they could conduct more frequent, random roadside inspections of truck and bus equipment and random tests of truck and bus drivers for alcohol and drug use.

Finally, the legislation would provide an increase and extension of the funding authorizations for the Motor Carrier Safety Assistance Grant Program.

Senator Gorton, do you have a statement?

OPENING STATEMENT BY SENATOR GORTON

Senator GORTON. Thank you, I do have a brief opening statement.

Mr. Chairman, I am pleased to see the committee focusing on the important issue of motor carrier safety. Although the vast majority of truck and bus operators in this country are safe and courteous drivers, an irresponsible few constitute a serious hazard. These are the ones who skip from State to State, collecting any number of licenses, and evading accountability for their poor driving records. Up until now, the law simply has not provided an adequate mechanism for apprehending these people. The bill that you are presenting for our consideration today does just that.

In addition, it addresses several other problems that must be resolved if we are to combat effectively the ever-increasng number of truck accidents on our highways. These include drug and alcohol intoxication, inadequate driver training and testing, and infrequent random inspections.

Again, I commend you for taking action on this very serious issue. I look forward to hearing the testimony of the witnesses today, and to working with you and the other members of the committee in shaping a final bill.

The CHAIRMAN. Thank you Senator. I also have a statement for the record from Senator Packwood that will be included in the record.

[The statement and bill follow:]

OPENING STATEMENT BY SENATOR PACKWOOD

Mr. Chairman, I am pleased that this hearing will address issues related to the transportation of hazardous materials, including the transportation of high-level nuclear waste. This is an area of immediate and grave concern to me because of its impact on the proposal to locate a nuclear waste repository in Hanford, Washington. I am vehemently opposed to the proposal to locate a nuclear waste dump at Hanford because of the great dangers it poses to Oregon. It is eminently clear to me that Hanford is not a suitable location for a national nuclear waste repository and I intend to stop the transportation of any high-level nuclear waste to a repository at Hanford.

The Hanford reservation is located on the Columbia River which stretches for 343 miles between Washington and Oregon and is a main source of food, irrigation, and transportation for both States. Any contamination of such a valuable resource would affect everyone in Oregon and would be devastating to Oregon's economy as well as the entire Pacific Northwest economy. Yet the Department of Energy (DOE) already has contaminated the Columbia River and apparently intends to continue to do so.

In simple terms DOE is using Hanford's soil as a giant sponge to soak up radioactive wastes. How has this happened? For more than 45 years DOE officials of Hanford have used the Columbia River to dispose of radioactive and hazardous wastes. During the 1940's, 1950's, and 1960's, Columbia River water passed through as many as eight operating plutonium reactors at Hanford, carrying large amounts of radioactivity back to the river. To this day Hanford officials continue to pour large amounts of low-level radioactive waste into the ground—radioactive waste that finds its way into the groundwater and the Columbia River. In 1985 alone, 30 distinct radioactive elements were poured into the ground at Hanford.

What has emerged is a shocking double standard on the part of the U.S. Government in its treatment of commercial versus military radioactive waste. While the Nuclear Regulatory Commission does not ever allow a commercial reactor facility to dump wastes into the ground, this is a routine practice at DOE facilities—and it must be stopped.

The record also reveals that Hanford itself is singled out for continued abuse while DOE is moving away from this dangerous practice at other DOE sites. For example, DOE's budget request for fiscal year 1987 requested funds for the decommissioning of seepage basing at the Savannah River plant in South Carolina. In contrast, DOE is actually increasing the number of soil dumping sites at Hanford. Certainly, the people of the Pacific Northwest deserve the same level of protection that citizens in other regions are beginning to receive and as long as I am a member of the U.S. Congress I intend to see that the safety and well-being of Oregonians are protected.

One thing is a certainty. Hanford already has serious existing problems in its waste storage systems and is demonstrably unsafe as a possible site for a high-level radioactive waste repository. There is serious existing contamination, unsuitable geological makeup, and frankly, by all accounts, the potential for disaster. DOE is being sued by all three national waste repository finalists because it has placed politics above scientific evidence. For example, in preliminary scientific studies Hanford ranked last among five potential sites as a suitable repository. Yet Hanford was chosen as one of the three finalists, prompting lawsuits from Oregon and Washington. Likewise, the host States for the other finalists, Nevada and Texas, are also suing. Until an appropriate site is picked, and Hanford is clearly not appropriate, radioactive wastes will continue to be stored under temporary and less than safe conditions.

Mr. Chairman, it is my responsibility, in fact it is my duty, to protect the safety and well-being of Oregonians and that of future generations. DOE has treated Oregon and the Pacific Northwest as a convenient dumping ground long enough! As long as I am the Senator from Oregon—no high-level nuclear waste will be transported to a permanent repository at Hanford.

II

99th CONGRESS
1st Session

S. 1903

To improve the safe operation of commercial motor vehicles, and for other purposes.

IN THE SENATE OF THE UNITED STATES

December 5 (legislative day, December 2), 1985

Mr. Danforth (for himself and Mr. Packwood) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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A BILL

To improve the safe operation of commercial motor vehicles, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Commercial Motor Vehicle Safety Act of 1985".

DEFINITIONS

Sec. 2. As used in this Act, the term—

(1) "commerce" means trade, traffic, or transportation within the jurisdiction of the United States between a place in a State and a place outside of such State (including a place outside of the United States),

or which affects trade, traffic, or transportation between a place in a State and a place outside of such State;

(2) "commercial motor vehicle" means any self-propelled or towed vehicle used on highways in commerce to transport passengers or property—

(A) if such vehicle has a gross vehicle weight rating of ten thousand and one or more pounds;

(B) if such vehicle is designed to transport more than fifteen passengers, including the driver; and

(C) if such vehicle is used in the transportation of materials found by the Secretary to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 App. U.S.C. 1801 et seq.);

(3) "Secretary" means the Secretary of Transportation;

(4) "State" means a State of the United States and the District of Columbia, and includes a political subdivision of a State; and

(5) "United States" means the fifty States and the District of Columbia.

COMMERCIAL MOTOR VEHICLE SAFETY FUND

SEC. 3. Section 521(b)(9) of title 49, United States Code, is amended to read as follows:

"(9) There is established in the Treasury of the United States the Commercial Motor Vehicle Safety Fund. All penalties and fines collected under this section shall be deposited into such Fund. The Secretary shall use amounts in such Fund only for the purposes specified in section 4 of the Commercial Motor Vehicle Safety Act of 1985.".

RANDOM INSPECTIONS

SEC. 4. (a) Subject to the provisions of this section, the Secretary shall make incentive grants to those States which adopt and implement an effective program to conduct inspections, on a random basis, of commercial motor vehicles. Such grants may only be used by a recipient State to implement and enforce such a program.

(b) Funds for such grants shall be derived from the Commercial Motor Vehicle Safety Fund established by section 521(b)(9) of title 49, United States Code.

(c)(1) For purposes of this section, a State is eligible for a grant if the program of such State provides—

(A) that commercial motor vehicles are inspected frequently (as determined by the Secretary), and that such inspections are conducted at roadside and on a random basis;

(B) for the administration, on a random basis, of chemical tests to determine whether the operator of a commercial motor vehicle is intoxicated or under the influence of a controlled substance while operating such motor vehicle; and

(C) for the prompt suspension, for a period not less than one hundred and fifty days, of the operator's license of any individual who is determined, as a result of a test administered under paragraph (2) of this subsection, to be intoxicated or under the influence of a controlled substance, or who refuses to submit to such a test.

(2)(A) For purposes of this subsection, any person with a blood alcohol concentration of 0.10 per centum or greater when operating a commercial motor vehicle shall be deemed to be operating such vehicle while intoxicated.

(B) As used in this subsection, the term "controlled substance" shall have the meaning given to such term in section 102(6) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802(6)).

NATIONAL COMMERCIAL MOTOR VEHICLE OPERATOR'S LICENSE

SEC. 5. (a) The Secretary shall, within eighteen months after the date of enactment of this Act, promulgate a final rule which establishes procedures under which the Secretary will provide each individual who operates a commercial motor vehicle in interstate commerce with a national commercial motor vehicle operator's license. The Secretary shall specify the manner in which application for such a license shall be made, and the requirements which any applicant for such a license must satisfy.

(b) On and after the date which is sixty days after the Secretary establishes procedures under subsection (a) of this section, no individual shall operate a commercial motor vehicle in interstate commerce unless such individual has in the individual's possession a license issued by the Secretary under this section.

(c)(1) If the Secretary determines that a violation of subsection (b) of this section has occurred, the Secretary may assess a civil penalty not to exceed $5,000 for each offense. The amount of any civil penalty, and a reasonable time for abatement of the violation, shall by written order be determined by the Secretary, taking into account the nature and circumstances of the violation committed and any history of prior offenses by the violator.

(2) Any aggrieved person who, after a hearing, is adversely affected by a final order issued under this subsection may, within thirty days, petition for review of the order in the United States Court of Appeals in the circuit in which the violation is alleged to have occurred, or in the United States Court of Appeals for the District of Columbia Circuit. Review of the order shall be based on a determination of whether the Secretary's findings and conclusions were supported by substantial evidence, or were otherwise not in ac-

cordance with law. No objection that has not been urged before the Secretary shall be considered by the court, unless reasonable grounds existed for failure or neglect to do so. The commencement of proceedings under this paragraph shall not, unless ordered by the court, operate as a stay of the order of the Secretary.

(d)(1) In order to assist the Secretary in carrying out the provisions of this section, the official in each State responsible for licensing operators of commercial motor vehicles in that State shall transmit to the Secretary a report containing the information specified in paragraph (2) of this subsection regarding any individual—

(A) who is denied a commercial motor vehicle operator's license by such State for cause; or

(B) whose license is canceled, revoked, or suspended by such State, for cause.

(2) Any report regarding an individual which is transmitted by an official pursuant to paragraph (1) of this subsection shall contain—

(A) the legal name, date of birth (including day, month, and year), sex, and (at the Secretary's discretion) the height, weight, eye color and hair color of such individual;

(B) the name of the State transmitting such information; and

(C) the social security account number, if used by the reporting State for operator record or commercial motor vehicle license purposes, and the commercial motor vehicle operator's license number of such individual (if that number is different from the operator's social security account number),

except that any report concerning an occurrence specified in paragraph (1)(A), (B), or (C) of this subsection which occurs during the two-year period preceding the date of enactment of this Act shall be sufficient if it contains all such information as is available to such official.

(3) Any report required to be transmitted by an official under paragraph (1) of this subsection shall be transmitted to the Secretary not later than thirty-one days after such official first receives or learns of any information specified in paragraph (1)(A), (B), or (C) of this subsection which is the subject of such report.

AUTHORIZATIONS OF APPROPRIATIONS

SEC. 6. Section 404 of the Surface Transportation Assistance Act of 1982 (49 App. U.S.C. 2304) is amended—

(1) by striking "$40,000,000" and inserting in lieu thereof "$50,000,000";

(2) by striking "and" after "1987,";

(3) by striking "$50,000,000" and inserting in lieu thereof "$60,000,000"; and

(4) by striking "1988." and inserting in lieu thereof "1988; not to exceed $70,000,000 in the fiscal year ending September 30, 1989; and not to exceed $80,000,000 in the fiscal year ending September 30, 1990.".

○

The CHAIRMAN. Out first witness today is the Honorable Jennifer Dorn, Associate Deputy Secretary of Transportation.

Ms. Dorn, thank you very much for being with us this morning.

STATEMENT OF JENNIFER L. DORN, ASSOCIATE DEPUTY SECRETARY OF TRANSPORTATION, ACCOMPANIED BY JEFF MILLER, DEPUTY ADMINISTRATOR, NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION; AND RICHARD P. LANDIS, ASSOCIATE ADMINISTRATOR FOR MOTOR CARRIERS, FEDERAL HIGHWAY ADMINISTRATION

Ms. DORN. Thank you, Mr. Chairman.

I appreciate the opportunity of representing the Department this morning.

I would just like to note that two of my colleagues from the Department have joined me at the witness table.

To my left is Jeff Miller, who is Deputy Administrator of NHTSA; and, to my right, is Dick Landis, who is Associate Administrator for Motor Carriers of the Federal Highway Administration.

As I indicated, it is indeed a pleasure for me to represent the Department on an issue of commercial vehicle driver licensing. It is a safety issue. I know that you, Mr. Chairman, have attached great importance to this, and it is a concern shared by Secretary Dole as well.

I think, very honestly, that it is difficult to overstate the positive impact that you and this committee have had on truck safety over the past few years. You have indeed laid the foundation for a number of what we view to be comprehensive reforms that we are now engaging in at the Department of Transportation. Without those initiatives, we would not have had the authority to undertake them.

If I could, I would just take 1 minute or so to describe a couple of these efforts to put into context what we are discussing today about truck driver licensing.

On the enforcement front, the creation of the Motor Carrier Safety Assistance Program and the dramatic increase in MCSAP funding which Secretary Dole and you have very vigorously supported will allow the States by the end of fiscal year 1987 to perform an additional 2 million annual inspections.

At the same time that we have supported those increases at the Department and you have very aggressively supported them in Congress Gramm-Rudman types of requirements and other kinds of belt-tightening efforts have meant that other nonsafety related programs have been cut back at the Department. As evidence of the Secretary's very real concern about truck safety, MCSAP has achieved the most significant funding increase of any safety program in the Department—nearly a 200-percent increase for fiscal year 1987.

This increase has allowed the Bureau of Motor Carrier Safety to engage in really a whole new way of doing business. Not only do we provide technical assistance and funding to States for enforcement, but it has allowed us to direct our Federal resource efforts toward the far more productive kind of goal of identifying the problem carriers and those who have a high risk. This is a true Federal-State partnership in, I think, the best sense of the word.

This effort has been aided by the virtual doubling of the number of safety specialists that will be employed in the Department over the next few months. Along with a fully integrated data management system, this will allow us for the first time to be trading information among and between States and between the Federal Government and those States.

If I might just add a footnote here, Mr. Chairman, with respect to those increases in terms of the number of safety specialists, our first class of 25 of the 150 which will be hired completed its training program in Oklahoma City a couple of weeks ago. We have 25 very enthusiastic, very able, very qualified individuals, all of whom have extensive experience and/or college education. We think that this is a very important kind of effort because what we are asking them to do is very serious and very complicated work in terms of identifying the kinds of trends that would demonstrate high risk carriers. They need to discern those trends and provide technical assistance to the carriers, collecting evidence of enforcement violations so that we can even more aggressively pursue those kinds of initiatives in terms of the enforcement arena.

As a result of those efforts, I think for the first time we have launched on a systematic framework for conducting a nationwide Motor Carrier Safety Enforcement Program, and this, indeed, is a significant advancement which could not have happened had it not been for the legislation which you initiated.

On the rulemaking front, of course we are pursuing very aggressively all of the Federal motor carrier safety regulations. We have recently issued a proposed plan for a safety determination of all the carriers, which will give us a very important handle on all the trucks that are out there.

We have issued more stringent qualifications for hazardous materials drivers and a number of other rulemakings have been issued or are on the verge of being issued.

There is no question in our mind but that your legislation, S. 1903, has served as a catalyst for an additional action that the Secretary is eager to announce today. The Department agrees wholeheartedly with what we believe are the two most basic and most important provisions of your bill: No. 1, that uniform minimum national licensing standards be required established by the Federal Government and administered by the States; and, No. 2, that multiple licenses be prohibited.

You have already given us the legal authority to move forward, and we intend to do so with a rulemaking proposal that is issued for public comment within the next 2 weeks.

As you know, Mr. Chairman, for a number of months, the Secretary has been actively encouraging the Governors to participate in the drivers license compact, and we have met with some limited success due to the efforts of individuals on this committee as well as the industry and Secretary Dole's efforts. We still, however, have achieved only 31 States as members. We expect by the end of the year to have 33. Several have indicated that they will introduce legislation in the 1987 session.

However, the Secretary is convinced that we cannot wait for the drivers license compact to include all States. She is convinced, in fact, that a stronger Federal role is necessary, that it is appropriate, and that it still allows us to pursue those efforts that make a lot of sense in terms of recordkeeping sharing, such as the Drivers License Compact and other efforts.

She will move forward aggressively on the rulemaking, with the recognition, however, that there is a great deal of work to be done and a number of questions yet to be answered.

However, I think it is very significant that we are not questioning whether there should be a new Federal requirement but how those Federal requirements can most effectively be issued and enforced.

If I might, I would give just a couple of examples of the level of questions that really need to be addressed as we move forward in this rulemaking effort.

For the classified standards issue, it would be unfortunate if we underestimated the complete diversity in the licensing systems among the States throughout the country. There is absolutely very little consensus on what the State standards should be, and so we have a great deal of work to do in that area. Certainly we have made beginnings in terms of model programs. Many of these model programs, however, are the ideal, rather than those kinds of programs that are determined to be standards appropriate for adoption by all the States.

In 19 States, for example, there is no classification system whatsoever. The 31 States which do have a classification system have varying standards. Fewer than half the States require written tests and fewer than one-quarter of the States require on-the-road testing.

What we need to do in this area is very clear. In most States, they must replace wholesale the licensing card system. It is a whole new way of doing business for many of these States, which would require the addition of personnel and facilities.

All we are saying here is when we proceed with prescriptive approaches, we need to be absolutely sure that we are on target, that we have answered the right questions, in order to assure that the States will, in fact, participate and that will have an effective enforcement mechanism.

On the single licensing issue, the question again is not whether or not we should require it, but how we can most effectively enforce that requirement.

We have a variety of enforcement tools that have been recommended by various interest groups. We, in fact, have already adopted some of these, such as the MCSAP incentive, which we anticipate to require immediately on the rulemaking. Various private and public types of clearinghouses are already in existence. There have been discussions about identifiers and whether we need unique identifiers, whether we should associate our efforts with particular problem drivers or with all drivers, whether sanctions are appropriate.

There are many and diverse questions and they all need to be examined very thoroughly. I think that there is a risk here of prescribing unnecessarily burdensome and perhaps ineffective kinds of solutions. This should not deter us from moving aggressively, but, again, we need to combine or find a balance between the cautious approach which will make sure that we have a reasonable standard that can be upheld in court.

You very clearly have given us the legal authority, Mr. Chairman, to move with deliberate speed. I want to give you the assurance of Secretary Dole that she, indeed, has a deliberate speed in mind. We pledge and commit to you that we will move forward aggressively. We look forward to the opportunity of working with you and a number of interest groups and the States in order to resolve this problem in the best way possible.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much.

First, I welcome your comments and appreciate them. I do not argue with your conclusion that the Department should move forward with rulemaking with respect to uniform driver's licenses.

Sometimes the stated intention of the Department of Transportation with respect to rulemaking and the final result have not been quite in sync. At times there have been considerable timelags.

For example, side impact protection: In 1977, a citizens 'group filed a petition relating to improved standards for side impact protection. NHTSA commenced its rulemaking in 1979, closed it in 1982, in order to do further research, and is still conducting the research. That has been 9 years.

In 1975, NHTSA performed tests showing that disconnection of front brakes of heavy trucks is unsafe. Despite this knowledge, the Department of Transportation has kept on the books a Bureau of Motor Carrier safety regulation that permits front brake disconnection.

Bumper standards, in 1982, when DOT looked at the 2½ mile bumper standard, it announced that it would shortly develop a bumper standard rating system for consumers. Well, it has not done it.

Splash and spray is something that we mandated by statute, of course, back in 1982. Again, nothing has happened.

So, I appreciate your comment. It is always, I think, a question as to what should be the appropriate role of Congress versus the executive branch.

My inclination would be to proceed with legislation. If you want to proceed with rulemaking, fine. But my inclination would be to proceed with legislation, because we do have examples of lengthy delays on the part of the Department.

Ms. DORN. I understand your perspective.

Mr. Chairman, might I just comment briefly on that?

Certainly, many of these rulemakings do not proceed as quickly as we, in fact, would like. However, we are very cognizant at the Department of Transportation of the importance of balancing the need for expeditious action on safety rulemakings with the need to produce a reasonable and well documented and well supported decision.

If the analysis does not hold up under judicial scrutiny, expediting will not result in improved safety, which I know is both of our goals. The court may stay or overturn the rule. That has happened innumerous instances and, has, in fact, set us back numbers of years.

The CHAIRMAN. That is why I think we should legislate.

Ms. DORN. I see. I appreciate your perspective.

I can give you the Secretary's and the Department's commitment that we were moving forward aggressively. But I would point out that, irrespective of time lines imposed by Congress, the very real need is to be on solid ground when we propose legislation. I think it would be unfortunate if we were to minimize the complexity and the controversial nature of what we have agreed to go forward and do.

This does not deter our commitment by any respect. But we feel very firmly that the level of questions, the level of detail required to find agreement among the States to test appropriate standards—we are talking years, not 1 or 2 years, but several years in terms of minimum standards.

We are asking States to do a wholesale revision of something that has been traditionally the purview of States. We feel very strongly that there is a need for an increased Federal role. But, with or without legislation, the Secretary is very committed to action.

She understands your role and your perspective on this and I would defer to my colleague, Mr. Miller, to respond to your specific concerns, if you wish, or we could provide those for the record.

The CHAIRMAN. I was just going through the list as examples of a little time slippage between the time when a need for regulating is realized and the coming forth with the regulations.

Ms. DORN. I certainly respect that, Mr. Chairman.

I would just add that in each of those instances I believe we would be able to point to the record any problems that we have foreseen or issues that have yet to be resolved in order for us to promulgate a rule that is well reasoned. We would be happy to do so.

But I do understand your perspective.

The CHAIRMAN. Let me ask you about a couple of other features of the bill.

First, the idea of random inspections, both of equipment and of the person driving the equipment.

Is that a worthwhile concept?

Ms. DORN. Certainly the concept of mathematically imposed random inspections is very worthwhile. It has, in fact, been very effectively utilized in other areas of highway safety.

However, we do believe that States have the existing authority to pull off a vehicle of a motor carrier to analyze safety defects. For probable cause we are then able to determine if blood alcohol is a problem—pardon me, not whether blood alcohol is a problem, but whether there is probable cause to believe that an individual is possessing, or using, or under the influence of alcohol.

So there are some distinctions. We frankly think that no new authority may, in fact, be necessary because we have the authority to do so right now.

The CHAIRMAN. Right this minute?

Can you pick up the phone right now and say OK, let's start the random testing?

Ms. **Dorn**. Yes. I do not believe that there would be any impediment to doing so——

The **Chairman**. Will you do that?

Ms. **Dorn** [continuing]. As long as the constitutional protections——

The **Chairman**. Then will you do that this morning?

Ms. **Dorn**. We think that it is a far better approach at this time, given the kinds of restrictions on——

The **Chairman**. Well, when will you do it? If that is a good idea and you want to do it on your own motion, when do we act?

Ms. **Dorn**. We think that we get to the same solution by pulling over motor vehicles for potential safety violations.

The **Chairman**. Well, that is the idea. But you are not doing that right now.

Ms. **Dorn**. Yes, we are, sir.

The **Chairman**. Oh, you are?

Ms. **Dorn**. Yes.

We have the ability to seek at random a motor carrier and pull him to the side of the road. An enforcement official has that ability, and we do so on an absolutely regular basis.

In doing so, we check the vehicle. If we can identify that there is a bottle of beer on the cab or that there is some kind of evidence or probable cause to believe that that individual has been using or possessing alcohol, we can certainly pull him off the road or use the disqualification procedures.

The **Chairman**. Your view, then, is that the bill adds nothing with respect to random inspections?

Mr. **Landis**. Mr. Chairman, if I might, I think the distinction here is the random inspection process being used for the current vehicle inspection program as opposed to the random inspection for detection of use of alcohol.

Ms. Dorn is I think commenting particularly about the random inspection process that is now used primarily by the States in their inspection programs, random being selecting vehicles out of the line of vehicles, contacting that vehicle, conducting inspections, interviewing the driver, looking at the driver and determining his condition, investigating during the normal course of that inspection whether or not there is obvious evidence of alcohol possession and alcohol abuse, and then taking action accordingly.

Most of that action—in fact, all of that action—as far as the roadside activity is done by the State enforcement people. That is the critical factor of the Motor Carrier Safety Assistance Program, to develop those MCSAP people.

I think the question regarding randomness, the stopping of vehicles at random for purposes of alcohol inspection, is a different approach than we are doing now. As such, they should not be confused at this point.

The **Chairman**. How about the 0.04 blood alcohol content. Would that be a good requirement?

Ms. **Dorn**. It is one that we are actively looking at, Mr. Chairman.

The Secretary is looking across the board to assure that the professional requirements are there, that there is some consistency.

Also, we need to be assured that any kind of effort on a 0.04 blood alcohol content level can be enforced effectively.

The **Chairman**. Why couldn't it be?

Ms. **Dorn**. Well, the difference with alcohol use on highways is that we have two levels of enforcement. The primary enforcers in FRA and in FAA actions in fact are the carriers themselves. In aviation and railroads we have Federal kinds of enforcement efforts only. We have dual levels of enforcement on the highways.

So we want to make sure that since we need to rely on the States to do the enforcement of a 0.04, that, in fact, this is effective.

We are in no way precluding that option. We have not pursued that aggressively. Now we are actively looking at it.

The **Chairman**. What would be the possible reasons for it being too rigorous a standard?

Ms. **Dorn**. There are some problems in determining a 0.04 level at the roadside. It is my understanding in terms of the technology—and my colleague can address more of the specifics on this—that there may be a problem in enforcement. Those are issues and questions that we want to address very carefully.

Do you have anything to add to that, Mr. Miller?

Mr. **Miller**. Yes.

Mr. Chairman, police agencies rely primarily on preliminary breath testers before making either evidential breath tests or an actual blood test. Reliability of preliminary breath testers is not as great as with the other types of instruments.

It is my understanding that FAA and FRA rely largely on chemical samples, either blood or urine, which are not as readily available in the motor carrier community.

I think it should also be pointed out that the Bureau of Motor Carrier Safety does already have a very rigorous standard on the books which precludes use of alcohol or drugs while on the job or driving while under the influence, or any consumption within 4 hours before going on duty.

We think those are important attributes of the current regulation which indeed need to be enforced vigorously.

The **Chairman**. Well, if those standards are met, then, necessarily, wouldn't the person meet the 0.04 standard?

Mr. **Miller**. Mr. Chairman, he might, if the other standard already covers him. The 0.04 might not be more rigorous.

But the 0.04, the testing capabilities for 0.04, are not always as good. The technology is simply not quite as advanced.

The **Chairman**. It seems to me that if that is the standard that can be applied to railroad personnel, to airline personnel, there is no reason not to apply it to people who drive trucks.

Ms. **Dorn**. As we said, Mr. Chairman, the issue is one of enforcement. We want to look at all the issues. We can commit to you that we are looking at that aggressively.

But there are some differences between FRA enforcement efforts and FAA enforcement efforts. We need to be cognizant of those to ensure that we do not have a standard out there that is not as effectively complied with, because all standards are subject to criticism if we apply standards we cannot adequately enforce.

Those are issues that we really want to look very carefully at. The Secretary is not disinclined to do this. But it does take some closer examination, and that is what we are doing right now.

The **Chairman**. Senator Rockefeller, do you have any questions?

Senator **Rockefeller**. I do not for the moment, Mr. Chairman.

I apologize for being late. But having done some preparation for this hearing, I am strongly in favor of the position which you have put forward in your bill. I have not heard yet the reason why it is that some folks want to differentiate and some do not want to differentiate between blood alcohol levels or why these folks do not think action is necessary in other areas.

But I associate myself with your bill and I think it is good.

The **Chairman**. Thank you.

Thank you very much, Ms. Dorn, for your testimony.

Ms. **Dorn**. Thank you, Mr. Chairman.

[The statement follows:]

Statement of Jenna Dorn, Associate Deputy Secretary, Department of Transportation

Mr. Chairman and Members of the Committee: Good morning. I am extremely pleased to be here today on behalf of Secretary Dole to present the views of the Department of Transportation on commercial vehicle driver licensing and to address related issues raised by S. 1903, "The Commercial Motor Vehicle Safety Act of 1985." With me at the table are Jeff Miller, Deputy Administrator of the National Highway Traffic Safety Administration, and Dick Landis, Associate Administrator for Motor Carriers of the Federal Highway Administration.

The Secretary asked me to say at the outset how much she appreciates the work of this committee and your leadership, Senator Danforth, in identifying motor carrier safety problems and in seeking appropriate solutions. The landmark truck safety legislation that you helped create in 1984 has been aggressively implemented by the Department. We are developing new or revised regulations to make safety determinations of all motor carriers, to improve vehicle inspection requirements, and to improve driver qualifications.

The bill that you introduced in December has served as a catalyst for constructive thought in the private sector, the states and the Federal government. I am pleased to announce today that the Department agrees in concept with many of the elements of the July 7th Senate staff working draft of the "Commercial Motor Vehicle Safety Act of 1986", which is under consideration as an alternative to S. 1903. Moreover, thanks to this Committee's leadership in 1982 in creating the Motor Carrier Safety Assistance Program (MCSAP), and again in 1984 with the Truck Safety Act, the Department believes that you have already given us the legal authority that we need at this time to move forward and administratively develop requirements for single and classified licenses for commercial vehicle operators. We will ask for public comment on our proposal which we will issue by August 1. As I will describe in greater detail in a moment, this is a major new rulemaking initiative for the Department. I would like to stress that we could not be undertaking it without your leadership and support. I know that we can look forward to your continued active involvement in these important issues of commercial motor vehicle safety.

AREAS OF AGREEMENT

Highway safety is a top priority of the Department, and we are encouraged that traffic safety on America's highways has improved considerably in recent years among both commercial and passenger vehicles. In 1980, the fatality rate for all traffic accidents was 3.34 fatalities per 100 million miles traveled. In 1985, the comparable fatality rate was 25% lower. However, this is not a reason to be complacent, because truck accident fatalities per 100 million miles are twice as high as car fatalities. We believe that truck and bus safety thus demands close attention, and that further safety improvements in that area are both feasible and necessary.

The draft bills before the committee are designed to prevent commercial drivers from obtaining multiple licenses and to improve the training, testing and qualifications of commercial drivers. We agree entirely that there is not a good reason for a commercial driver to have more than one license and that safety suffers if an unqualified individual is allowed to drive an 18 wheel truck or other commercial vehicle. The Secretary strongly believes that no one should have more than one license and that minimum national standards should be developed for state classified license systems. I am pleased to announce today that the Department will move forward quickly and aggressively in the following areas:

Single License. The Department is beginning a comprehensive rulemaking process aimed at making it a violation of Federal regulations for a commercial driver in interstate commerce to have more than one license. We believe that we already have the authority to impose this requirement on drivers and carriers under the 1984 Motor Carrier Safety Act and the Bureau of Motor Carrier Safety organic legislation. Moreover, the MCSAP program will provide an incentive for states to adopt a similar requirement since it is a condition of MCSAP funding that the state enforce regulations that are compatible with the Federal regulations.

Classified Licenses. A classifed license system is one where there are different classifications for different types of vehicles, so that a driver can only operate vehicles that the driver is qualified to operate.

The Department is including in its rulemaking process steps toward establishing mininum national standards as the basis for a classified license system that would be administered by the states. There is a clear need for effective uniform minimum standards that would assure licensing consistency from state to state concerning minimum training, minimum testing, and minimum qualifications. Thirty-one states already have some type of classified license system, and we would want to assure that the best features of those systems are incorporated into the national standards. The Department is especially pleased that the staff draft relies on the states to administer the licensing function rather than proposing an entirely new Federal license system.

Hazardous Materials. The staff draft also includes special provisions for drivers of hazardous material vehicles. We agree with you that qualifications for hazardous materials drivers need to be strengthened because those cargoes pose particular risk to public safety if not handled properly. Just over two months ago, we began the single and classified license rulemaking process for those drivers by issuing a NPRM. As proposed in our NPRM, drivers operating cargo tank vehicles carrying hazardous materials in bulk, such as gasoline, propane, corrosive acids, and various poisons, and tractor-trailer operations hauling explosives, radioactive materials, or other non-bulk hazardous materials would have to meet additional or more stringent qualifications. The NPRM proposes: (1) prohibiting drivers from holding multiple drivers licenses; (2) establishing minimum driver training and experience criteria; (3) requiring road tests for cargo tank drivers that approximate real-world driving conditions; and (4) mandating periodic drug and alcohol tests for drivers.

Enforcement. We agree with the Committee that there needs to be an effective means to ensure that the single and classified license requirements that are developed are adopted and implemented by the states and enforced against commercial drivers. The staff draft proposed to do this with a combination of incentive grant funds, Federal preemption of state action, withholding of Federal-aid highway construction funds and a Federal records system. While we agree with the Committee that enforcement is critical, we have concerns regarding certain provisions in both S. 1903 and the staff draft which I will outline later in our testimony.

We believe that all three issues, single license, classified license and the enforcement strategies can be fully addressed in an Advanced Notice of Proposed Rulemaking (ANPRM). We will issue this action in a matter of days and will request a relatively short comment period. As soon as we review the comments on the ANPRM, we may decide that we can move ahead faster on the less complex issues if we publish separate NPRMs for single licenses, classified license standards, and enforcement. I want to stress that we have already decided that a stronger Federal role is appropriate to prohibit multiple license use and to define uniform requirements for classified licenses. The question is how we can do it most effectively.

Mr. Chairman, perhaps with all the areas of consensus that I have described, some people will urge that the Committee and the Congress move ahead and immediately enact legislation. I would urge you not take this approach. While we agree with the Committee that safety needs to be improved and we are prepared to use our authority aggressively, I do not want to gloss over the problems that are ahead of us.

PROBLEMS AHEAD

The Department has done a great deal of work in the area of single and classified licenses and in the area of truck safety. The Department has advocated a balanced truck and bus safety program, focusing both on safety of the vehicle and its safe operation. The response of the commercial vehicle industry and the states has been positive. With your help and active support, Secretary Dole is seeking to implement a number of programs that address the purposes of S. 1903. These initiatives include a doubling in the number of federal motor carrier safety specialists and changes in the Federal Motor Carrier Safety Regulations that will strengthen vehicle maintenance and inspection standards. Our safety specialists will concentrate on safety audits of problem carriers and rely on state inspectors to conduct most roadside inspections. We believe that this approach is a good use of resources and reflects appropriate Federal and state roles.

To strengthen the state presence, we have requested $50 million in our fiscal year 1987 budget for the Motor Carrier Safety Assistance Program (MCSAP), which is nearly a 200 percent increase over current spending. This money will be used by states to increase the total number of state inspectors trained through this program from 2,700 in 1985 to 4,000 in 1987. We estimate that by the end of fiscal year 1987, the states will conduct approximately two million roadside inspections annually in addition to those conducted prior to MCSAP. MCSAP will increase the number of annual intrastate safety compliance audits as well.

Because the Secretary shares your very real concern on single and classified license issues, Mr. Chairman, earlier this year she wrote to the governors of all 50 states urging them to join and participate fully in the Drivers License Compact, an organization of states established to promote the single license concept and to facilitate the complete exchange of driver record data among states. The Department also sponsored, with the Highway Users Federation and the American Association of Motor Vehicle Administrators (AAMVA), a joint government-industry conference to discuss solutions to licensing problems and to highlight the systems currently available to the states.

However, the simple truth is that there are incredible differences among the states. We cannot develop a solution overnight that will work nor can we develop it without the help and cooperation of the states. A total of 19 states do not issue classified truck driver licenses, but allow anyone with an automobile driver's license to operate a commercial vehicle without demonstrating the knowledge or ability to drive heavy trucks. No state requires specific training for commercial drivers and of the 31 states that have classified licenses, most have only two classification for trucks. Only 12 states always require a driver to take a driving test in the vehicle. Even in those states where testing is required, the tests are not uniform in design and in many cases are not considered to be adequate for the task of screening out those who lack professional levels of competence. This wide diversity among the states leads us to believe that there will be disagreements among the states as to what constitute the appropriate minimum criteria. Some states will want very basic criteria, while other states will want comprehensive ones. We will have to make independent judgments about what types of criteria will be necessary to best protect safety. Even after we decide on the criteria, there will have to be adequate time for the states to react and devote the personnel and resources necessary to change their systems.

We recognize that elimination of multiple licenses requires implementation of a meaningful enforcement mechanism. Many of the industry and highway safety groups that have examined the licensing problem have endorsed establishment of a national clearinghouse of driver record information keyed to a unique identifier, such as a fingerprint or social security number, for each license holder. We have serious concerns about whether a clearinghouse is necessary, appropriate or cost-effective, whether it is feasible, and if it is necessary, appropriate, and feasible, what level of information should be contained in it. Some of the major issues we see include the following.

a. Privacy: We are very concerned about creating a new centralized data system on individuals. Congress has shared our concerns in the past. The current National Driver Register has been constructed narrowly so that it only contains problem drivers, is a pointer system rather than a complete file, does not use social security numbers, and is not allowed to be used directly by law enforcement personnel. A clearinghouse for commercial drivers raises even more questions since the individuals included would not be just problem drivers, but all commercial drivers. We believe that it is essential that any data system considered protect the rights of individual drivers, the majority of whom obey the law.

b. Unique identifier: The threshold question is whether a single identifier is necessary. If it is necessary, the question is what kind of identifier is needed. Social security numbers are the most universal identifier in the country, but it is relatively easy to obtain multiple numbers and so they are not unique. Thus, drivers could have a different social security number for each license held. Moreover, only 13 states use the social security number as the licensing number, so use of the social security number as the unique identifier could require substantial change of licensing procedures at the state level.

While less easy to falsify than the social security number, use of a fingerprint as unique identifier could also present significant implementation problems. There is not any system in operation today in the United States which operates in a manner similar to the system that would be required to quickly and accurately compare and identify fingerprints for the upwards of 4.5 million interstate commercial vehicle operators. It is essential that the technology be reliable and foolproof if it is to be successful. While some systems we have seen appear promising, we are also concerned with committing to a system where only one vendor could bid.

c. Cost: An obvious drawback to a national clearinghouse is cost. Our experience with the National Driver Register (NDR) demonstrated that even a relatively modest national records system requires considerable funds and personnel, both for development and day-to-day operation. State costs are in addition to these costs. Depending on what type of commercial clearinghouse is considered, it could involve substantially more records and data revisions which would make it even more costly than the NDR.

d. Timing: I would also note that implemention of a national clearinghouse, if it is determined to be necessary, cannot take place overnight. As you well know, while NHTSA is making progress in implementing our new NDR and important interim improvements to make NDR more useful to states, we do not anticipate that the new automated NDR will be fully operational until the early 1990s. Certainly, establishment of a national records clearinghouse for commercial drivers would present many of the same technical problems encountered in upgrading the NDR and would be years rather than months away.

e. Enforcement: There are several alternative single license enforcement mechanisms that we believe deserve serious study. With substantial penalties for multiple licenses, a high-technology, instantaneous clearinghouse system may not be needed to achieve substantial deterrence. Member states of the Driver License Compact also require single licenses as a matter of state law, and can add their enforcement mechanisms to whatever Federal penalties are established. Greater use by state licensing agencies of the NDR can also help identify problem drivers with multiple licenses, and thus focus attention on this high-risk class of operators. The ongoing improvements to the NDR make this a more practical tool for the states, and we would encourage its use both in issuing and renewing licenses for commercial vehicle operators.

f. Federalism. We are concerned that any action undertaken in this area not result in unnecessary or inappropriate preemption of responsibilities traditionally exercised by the states. We also don't want to inappropriately Federalize a state source of revenue.

Federal and state motor carrier inspections also provide opportunities to uncover instances of multiple licensing, and to impose appropriate penalties. In that regard, it may be possible to develop improved documentation systems to link license numbers to other driver records, such as medical certificates or driver logs, which could help to identify multiple license-holders and to deter this practice. Some systems, already in use by law enforcement personnel and private industry, may offer alternatives to explore. Some combination of these approaches may prove to be less expensive, less difficult to implement, and more timely than establishment of a national records clearinghouse.

We admit that we don't have all the answers at this time. We believe that a widespread public response to the ANPRM is necessary at this time, to help us in our regulatory efforts. It is particularly important that we obtain the views of the states, the industry, organized labor, the professional drivers themselves, and other affected interests on these issues.

We expect that the ANPRM will provide us with solid information on which we can base a practical and effective solution to commercial licensing problems. We will provide you with a copy of the ANPRM. When the docket closes, we will present a summary of the comments received and our analysis of them to the Committee.

Mr. Chairman, your letter of invitation asked a number of searching and thoughtful questions. We will provide answers for the record, including our comments on specific provisions of S. 1903. We will be pleased to provide more information if you have additional questions.

In closing, I would like to reiterate that we welcome this committee's involvement and participation in efforts to reform the current licensing systems applicable to commercial vehicle drivers. With the legal authority that the Congress has already given us, we are undertaking a number of important actions which we believe makes further legislation at this time unnecessary. With the cooperation of the Congress, state governments, and the industry, I believe we can achieve our mutual goal of an improved licensing system which assures that only qualified drivers operate commercial vehicles.

That concludes my testimony. Thank you for this opportunity to present our views. I will be pleased to respond to any questions you may have.

The CHAIRMAN. Our next witness is Thomas Donohue, president of the American Trucking Associations.

Mr. Donohue.

STATEMENT OF THOMAS J. DONOHUE, PRESIDENT AND CHIEF EXECUTIVE OFFICER, AMERICAN TRUCKING ASSOCIATIONS, INC.

Mr. DONOHUE. Thank you, Mr. Chairman.

I welcome the opportunity to address the safety initiatives contained in S. 1903, the Commercial Motor Vehicle Safety Act of 1985, and I submit this statement on behalf of our association, the national trade association of the trucking industry.

I commend the committee and the staff for their work on this bill and the staff draft legislation that was released last week.

As you know, we support the goals, objectives, and concepts outlined in the latest draft. We believe this legislation is critically important because the safety of trucks on the highways depends on the skills and good judgment of truck and busdrivers. Yet, our Nation's system of licensing truckdrivers is flawed and inadequate. Its deficiencies allow unqualified, unsafe drivers of heavy vehicles to operate on our highways.

The results are pretty clear: an increasingly heavy toll of death, injuries, and property damage; frequent traffic tieups and increased congestion; rising insurance costs and worker's compensation claims; a damaged industry reputation; motorists who are afraid to share the road with large vehicles; and, finally, a situation where it is costing lots of money to this industry and to the total economy.

The current licensing program for trucks in America today is in a crisis situation. It is shocking that our Nation has tolerated such a system for so long. It allows a significant minority of truckdrivers to shuffle licenses like a deck of cards, obtaining two, three, or a dozen simultaneously valid licenses, which are used to hide violations.

It is a crazy quilt pattern that varies widely from State to State.

The system fails twice. First, it fails to qualify drivers on the vehicle they are going to drive. Then it fails to get the bad drivers off the road.

The Secretary of Transportation, a recognized leader in highway safety, expressed her outrage at the driver licensing mess in a speech last November 1985, to the Highway Users Federation. Some of her remarks are in my prepared testimony.

The problem has reached epidemic proportions.

The American Association of Motor Vehicle Administrators found that as many as 30 percent of America's truckdrivers have more than one license. The National Transportation Safety Board reports that 44 truckdrivers involved in serious accidents had a total of 63 licenses, 98 license suspensions, 104 accidents, and 456 traffic convictions. It is a small perceptage of the drivers that have a large percentage of the problem.

State driver licensing programs should qualify an individual to operate the type of vehicle that the person will drive. Unfortunately, the licensing systems in many States fail to do this.

In 19 States, a person whose driving skills have not been tested or have been tested only in a car can legally drive a large truck.

I have listed the States in the prepared testimony and both of the Senators here today might want to take a look at the list of those States.

Senator ROCKEFELLER. May I interrupt the witness?

The CHAIRMAN. Of course.

Senator ROCKEFELLER. Just a moment ago, you said that in 19 States a person whose driving skills have not been tested—and then you said or only in a car. There is a fairly substantial difference between those two statements, and your testimony indicates only one of the two.

Mr. DONOHUE. Senator, in the last few weeks, I have tried to get a few of those licenses. I have asked our State representatives to go out and get a few. I have a few of them right here.

For example, in some States, you can just bring in your license, where you were tested, perhaps, in a Volvo or a Volkswagen or a Plymouth, or in some places, we are not sure, but we even think just a motorcycle, and fill out a questionnaire and pay your money and you can get a license.

Now, there is some lack of clarity as to whether in many of the States exactly how this applies. In some places, you are supposed to hand in your license, but you can sort of talk around it.

We found that in some States you can go in and say well, I really want to keep my license because I need it to drive my personal family car where I live, and you can work those arrangements.

What I am basically saying is that in 19 States, you do not have to get in a truck, you don't have to be tested in that truck. You can either be tested in a car, right then, or it can be assumed that because you have some other form of license, at one time or another you were tested.

Now, for example, I was down in West Virginia not long ago for a very important and useful meeting with many of your colleagues and the trucking people. Had I been willing to go the 80 miles up the road, to spend a fee and take the written test, which I probably could have passed had I read the book, I could have a license right now, today, to drive an 18 wheeler truck in West Virginia.

Sir, that would be dangerous.

Let me go on.

Operating under the hypothesis that in many States I could obtain a license, as I mentioned, we have asked the State association managers to do that. I have given you some of that background.

In addition, the State licensing procedures should provide a complete driving record of all driving infractions. Twenty States still do not belong to the national driver license compact, which facilitates exchange of traffic violations. But that compact gets the real serious violations, like driving under the influence and manslaughter and things like that, but leaves much out. We saw a record just the other day where a fellow who was apprehended had 113 points on his license, and he still was driving around.

Because the States have demonstrated an inability to correct the situation, the Federal Government must act. We believe the Federal Government has an obligation to insure uniformity in licensing requirements so that an individual cannot operate a large truck without experience; set deadlines so the motoring public is not subjected to the glacial pace of State-by-State progress; coordinate by providing a single place where State officials can determine if an applicant already has a license; and help fund the startup costs.

These are legitimate Federal functions which help the States carry out their essential responsibility.

The entire highway transportation community is united on this bill. There is a unanimity of feeling that we have a problem and that we ought to move ahead.

There are some questions of technical interpretation, but there is a united feeling on this question.

So, what is the solution?

In summary, we need a law that requires issuance of a single license by the States under uniform standards set up by the Federal Government; that qualifies the individual on the type of vehicle that he is to drive; that maintains a complete record of all moving violations that will be exchanged between the States; that requires all drivers of heavy trucks, regardless of whether they operate in interstate or intrastate commerce, to obtain a commercial drivers license and employs a unique identifier to make sure that they do not have more than one license.

We strongly urge the Congress to enact our programs to assure the public that heavy vehicle operators have one license, one record, and are qualified to operate the vehicle.

Let me just hit two items as I wrap up, Mr. Chairman.

The trucking industry also supports an increase in funding of the Motor Carrier Safety Assistance Program. This excellent program has tremendous potential for making major improvements in the safe operation of trucks through roadside inspections.

We further endorse the look and listen, as opposed to random system of inspecting drivers and vehicles.

You don't have to be a skilled expert to see the trucks that are in ill repair and the drivers that do not seem to be functioning well.

We support roadside testing for drug and alcohol use as well.

We would also like to see one paragraph that asks the shippers to share in the legal responsibility for intentionally overloading a truck or intentionally requiring a driver to drive faster or longer than the law allows.

Finally, let me just say a word about the testimony this morning from the DOT.

Under their system, there won't be a central file; there won't be a unique identifier. It will still be possible to have multiple licenses. We still will not have an effective violations record and we will not be able to have effective enforcement.

We do not need, as they suggest, both a national license and a license for hazardous materials movement because that would be another duplication—two licenses—another chance to play it from one license to another.

The preemption argument offered by DOT is hollow. They preempt now—on seat—belts, on speed, on drinking ages. They have just suggested a license for hazardous materials movement, which is a Federal license preempting the States.

The DOT program, at the rate it has been going, will take approximately 20 years.

Mr. Chairman, we need action now involving the leadership in the Congress, to move forward, to get a single license with a unique identifier, with a clearing house for violations, and standards that are universal in application.

We do not need years and years of study. We have been studying it for a long time. We could get this agreed to in a big hurry. The schedule suggested in your bill is very, very applicable.

Thank you very much, Mr. Chairman.

The CHAIRMAN. Tell me, now, about the problem of multiple licenses and why you think this bill corrects that problem? What is the problem of somebody having a whole pocket full of licenses?

Mr. DONOHUE. If we assume that the motor vehicle administrators are correct, then 30 percent of the drivers have multiple licenses—Mr. Chairman, if I am driving a truck in your State and get stopped for speeding, I would reach into my pocket of licenses and would take out my license from West Virginia. At that point I may have to pay a fine or come in at another time to pay a fine. But that violation does not go on record in the place where my license is issued, in Maryland for instance. If I have four or five licenses, instead of being put off the road for having 10 tickets, I can spread those tickets around. This is because many of the States do not participate in the driver license compact; and, if they do, they do not exchange moving violations information.

Why, I could go on forever. I could amass 100 violations, and nobody is going to stop me.

When you stop, you take your deck of cards and figure out where you are.

The CHAIRMAN. And a uniform license would fix that?

Mr. DONOHUE. Yes, sir; because there would be only one acceptable license. It would have a picture and a fingerprint on it. It would have the name of the State. It would say that I am from Missouri, or Maryland. And if I got a violation in West Virginia, then that would be communicated by the West Virginia State Motor Vehicle people to the State where the license was issued.

The CHAIRMAN. And it would count against your license in Missouri?

Mr. DONOHUE. That's right, sir.

Now, that brings us to the question that in your legislation there is some question about how many tickets somebody should be allowed to have.

Now, when you drive 100,000 miles a year, to suggest that two instances of failing to keep to the right in 3 years or something like that would take away your license, we would have to look at that. We have to be realistic and say major violations, and that just takes some technical discussions.

The CHAIRMAN. Let me ask you another question.

Supposing somebody has a commercial license and then just an individual driver's license, and he is off the job and is just driving around on the weekend. Let's say he has had too much to drink and he is stopped.

Should the revocation of his individual's driver's license carry with it the revocation of his commercial license?

Mr. DONOHUE. First of all, it is my understanding, Mr. Chairman, that the courts have ruled, although not as clearly as they might, that driving on personal time on your personal affairs should not affect losing your license to make a living.

But I believe in a matter, for example, of someone who has been convicted of drinking and driving, or driving under the influence, that there certainly should be some consideration of how that affects his ability to perform on an 18 wheeler. Under the plan that you have and that we are supporting, the only thing that would be exchanged are those activities that took place while using his commercial driver's license driving a truck over 26,000 pounds.

If we could get that far, we would make a major dent in the process. Then you could see and perhaps study whether there is a need to include the individual license.

But, when you get to that, the level of support for the program quickly begins to break down because you now get into all the questions of civil rights.

Right now, we are talking about people who drive large trucks for a living, for economic gain. There is significant precedent to allow us to put these licenses in place.

The CHAIRMAN. All right.

Let me just announce that, unfortunately, the timer is on the fritz. We try to keep witnesses to 5 minutes and questions to 5 minutes. The timer is not going, so we will observe a rule of reason.

Senator Rockefeller.

Senator ROCKEFELLER. Thank you.

In the coal trucking business, there is an interesting tension between those who drive trucks and those who load the trucks. Trucks are often overloaded, and often the pressure on the truckdriver, who is an independent, let's say, and has three or four trucks, is unbearable.

That raises the question that if you are a State policeman, if you stop the guy driving a truck who is really trying to get his bills paid, should you really be giving the ticket to the guy who loaded the truck, who overloaded it deliberately?

Now, I don't want you to answer that question. It just brings up the tension between the operating companies and the drivers.

Is there, in your judgment, too much pressure for mileage and performance that causes a driver, if not to drink, to prop himself up physically, to keep himself mentally awake, so to speak, which might cause him, therefore, to take substance of some sort, to allow himself to push farther—which would not really be so much his or her fault but the fault instead of the company. There is the whole question as to where this blame should lie.

You have indicated that the blame should be shared, but you have done it in a passing way.

Mr. DONOHUE. Senator, I would not want it to be in a passing way. I mentioned it in closing because it is not presently contained in the bill.

I got into a lot of trouble a couple of weeks ago. I spoke to a large shipper group and suggested that we have a provision in the bill that made them liable as well. The scenario which you outlined does exist.

There was a great hue and cry. So I took a survey. I asked how many people in the room intentionally overload trucks. Nobody put up a hand. I asked how many people intentionally require the driver to go faster and longer than the law allows. Nobody put up a hand.

So I asked them then why were they upset. In fact, I think it is a minority of shippers that create this kind of a tension. But it does exist.

Freight volume in the United States is the same today as it was in 1980, and there are significantly more people in the trucking business. And they are competing, vigorously, to get loads to pay for their trucks and to feed their families.

Under those circumstances, some very small group of shippers create a situation that is intolerable.

I am not going to suggest that it should lead to drugs and alcohol because I do not believe that. But I do believe that they must share the burden, and if they are going to do it, they have to be punished for it.

Senator ROCKEFELLER. Do you think that it is the larger companies that are the more responsible, and the smaller ones that are in that minority? Is there any breakdown that follows that pattern?

Mr. DONOHUE. I think there is a mistake in this business and others that we always associate large with professional, and small with not. Many small companies are very, very professional. Many large companies intend to be professional. It really comes down to the person who is managing the shipments for that company and what kind of pressure are they under to make a budget and to keep their costs down.

So, a large company could behave badly and a small company could behave very well.

Senator ROCKEFELLER. Well, you have given me a general answer. I guess I will go back to what you said. There is a small minority——

Mr. DONOHUE. Yes, sir.

Senator ROCKEFELLER [continuing]. Which does cause this to happen?

Mr. DONOHUE. Yes, sir.

Senator ROCKEFELLER. Is that randomly scattered across the industry as a whole with respect to the loaders and the nature of those particular people? Or is there a particular segment where it is stronger than elsewhere?

How much do you mean by a minority? Are you talking about 5 percent, 10 percent, 25 percent?

Mr. DONOHUE. I think it is clustered in sectors. I think there is a small group of people within the new broker business who make their money by loading it up high. By the way, the broker's association, to their credit, is trying to put those people out of business. I think the coal, the construction, and the heavy materials moving people, where you can load the truck without visibly showing that it is overloaded, I think some companies that are on very tight margins are doing it.

I think it could be isolated and that if we had such a law, the State enforcement people could pretty clearly get it done.

If you had asked Mr. Landis, who was here a little while ago, and used to run enforcement in Arizona, he could have told you who was overloading trucks. He knew.

Senator ROCKEFELLER. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Gorton.

Senator GORTON. Mr. Donohue, I am sorry that I did not hear all of your testimony.

Can you tell me, were you involved or was ATA involved in the drafting of the original bill and the staff draft which is before us at the present time?

Mr. DONOHUE. Yes, Senator. We were involved in two perspectives. No. 1, we started testifying on this subject 2 years ago, and have had extensive discussions with the staff, and have exchanged technical information with them. We have encouraged vigorously the development of this bill. We very much support it.

There are one or two technical things that we would like to have been involved in a little more. But, on measure, this is a very, very useful bill.

Senator GORTON. OK.

You have anticipated my next question, which is this. With the staff draft which is before us now, you are substantially in agreement?

Mr. DONOHUE. Yes, sir. Not only are we substantially in agreement, but so, also, you would find the unions, and the people, the owner-operators, for the most part, and folks from the States. The only people who seem to have some problem with the bill are in the DOT, and I think most of their problems are very hollow.

Senator GORTON. Are you able to give me any estimate as to the safety impact of this bill should it be passed and fully enforced, say, 4 or 5 years in the future?

Mr. DONOHUE. Senator, if you look at the appendix to my testimony, there are a dozen examples of very serious accidents. In many of those instances, as I mentioned briefly in the testimony, the person had more than one license, had numerous citations, and probably should not have been driving that vehicle, either a bus or a truck.

I believe we estimate that 30 percent of the people have multiple licenses. If we eliminated that, if we could get a 5-percent improvement in the serious accident rate, there would be a major reduction in cost to society, in suffering, in injury, and in death. It would pay for itself many, many times over.

Yet, I am an optimist and I think we would get more improvement than that.

Senator GORTON. So you think we would with the enforcement of this bill get at least a 5-percent reduction in serious accidents?

Mr. DONOHUE. Clearly.

Many of our problems come from the same group of people. We have road teams going around this country right now, talking to drivers and community people.

We have people who have driven more than a million miles without an accident and without a ticket. There are many professional drivers.

Professional truckdrivers have half the number of accidents per million miles as cardrivers. But there are a small group that take drugs, that use alcohol, that drive recklessly, that speed, that are not prepared, that are not trained to drive, that don't know how to run the truck. We need to get those people off the road. We need first to train them and test them, and then we need to get the violators off the road.

Senator GORTON. Would you say that a number as small as 5 or 10 percent of the drivers are responsible for—what—25, 33, or 50 percent of all serious accidents?

Mr. DONOHUE. I would say that 10 percent of the drivers account for a very significant percentage of the violations, the tickets, and potentially the accidents, and it would be hard to put a number on it. But I could associate myself with 10 percent of the drivers and 50 percent of the problem.

Senator GORTON [presiding]. Thank you very much.

Senator Exon.

Senator EXON. Mr. Chairman, thank you very much.

Mr. Donohue, I welcome you here and thank you for your expert testimony.

The main question I had was just answered when you responded to Senator Gorton's question about who was against this proposal, and the answer that you gave was DOT.

I have another hearing that I have to return to. But as I understand it, DOT simply was saying that they can do this administratively—but they have not done that yet, which convinces me that we should have this legislation in effect.

While you are here, though, and since safety is the issue and the legislation under consideration is the Motor Vehicle Safety Act of 1985, which I intend to support, let me say this.

I just drove back from Nebraska. I got in late last night. I agree with you that truckdrivers are professionals, that they do a good job. In fact, I follow the truckdrivers because they know the roads, they know the conditions, they know all of these things. Although I would wish for a moment to correct something that you said or ask you to explain it a little bit better.

You said you wanted to get the speeders off the roads. If you got the speeders off the roads, there would not be any trucks traveling in the middle of the day.

Now I have observed that first-hand.

In fact, I did not observe the speed limit. The speed limit on those interstate highways today is set by the truckers. When I found out how fast the truckers were driving, I knew that that was the speed that I could drive.

Somehow they have an insidious, highly efficient network at work. I do not think that those truckers are obeying the 55-mile-per-hour speed limit, which I understand your organization still supports—for reasons that I still do not understand—except that when you look at realities today, sometimes people say do not bother me with reality and just leave the speed limit alone and we will break it.

I just want to caution you that your drivers today are not obeying the speed limit, and if you got the speed leaders off the road, you would close down the trucking industry, and you would certainly close down a substantial share of the commerce that we have today.

So I just want to admonish your organization which I have great respect for to begin to wake up. I know everybody ducks today. The facts of the matter are, in my opinion, and the research that I have done indicates this, that I am a lot safer travelling 65 to 70 miles per hour on a divided interstate, where I eliminate any chances for the most part of a head-on crash, than I am driving at 55 miles per hour on the primary and secondary roads of this Nation.

The statistics back that up.

In Nebraska last year, 95 percent of all the deaths on our highways were on primary and secondary roads, and 5 percent were on the interstates. That is repeated nationally—about 90 percent of all the highway deaths in the Nation occurred on primary and secondary roads, and not on interstates.

Now those of us who are standing up to change the speed limit are getting shot at by people who said we do not care about safety, which is absolutely ridiculous, and I resent it. I would certainly ask—and I don't know whether you want to make any comment on this today, but we are talking about highway safety—I would ask this. Do you believe that highway safety on the interstate rural system would be impaired if we raised the limit above the 55-mile-per-hour limit that is already 90 to 95 percent ignored—not only by the truckers, not only by the passenger cars, but by the law enforcement agencies as well?

Mr. DONOHUE. Senator, your comments are certainly ones that I have heard in recent weeks, but allow me just three or four sentences of comment, if I might.

No. 1, I certainly understand your personal position. I have a wife who believes that 55 miles an hour is second gear.

Second, I would like to make a few comments about why we have taken the position that we do.

First, there is a growing group of truckers who are buying engines which are torqued or set to run at a maximum of 61 miles an hour.

Now they have done that for a number of reasons that have nothing to do with the speed limit. They have done it because it significantly reduces their energy consumption. They have done it because it reduces their maintenance costs and it extends the life of the truck, and because there is some argument that it improves the safety record. But it certainly might reduce their insurance costs.

Now, the reasons that ATA continues to support 55 miles an hour are three-fold.

No. 1, that is the law, and I can take no other position.

No. 2, because there appear to be economic and safety factors that have helped with the truckers—although I agree with you, sir, that if you go out on any interstate, you will find a great portion of truckers and others that are speeding.

Third is because that is the policy of our association. If they bring up and adjust the policy, we might take another posture.

But I have learned that to be an association executive, it is a good thing not to sit at testimony tables and make new policy.

But I understand your point. I understand there will be a vigorous debate on this subject. We look forward to participating in it. We will reconsider our policy based on the facts as they are presented. But our emotion now is based on the fact that we are trying to get truckers to pay attention to the law. And, second, we are trying to benefit from the economic and safety considerations that we believe are involved here.

We look forward to the debate. I think it will be an interesting one.

Senator EXON. Let me ask you just one final question, then, without trying to put you on the spot.

Are you really sincere, Mr. Donohue, when you tell me that you are trying to get your drivers to obey the 55-mile-per-hour speed limit? I have heard before about a maximum of 61 miles per hour. All I can tell you is this. I do not know where those trucks travel, but they do not travel on Interstates 80 and 70. They must travel on all the other interstates because the trucks basically set the speed limits, on the interstates today, the practical speed limit, regardless of the 55 miles per hour. If you and your organization are trying to convince your people, for safety reasons or others, to obey the 55-mile-per-hour speed limit, you have been a miserable failure.

Mr. DONOHUE. Well, I have two choices. One is not to comment. The other is to give you a piece of information. That is this. I can name four or five major companies who really know how to calculate their costs, who are now buying engines that are torqued to go a maximum of 61 miles an hour, that have tacometers in the truck, and that will fire somebody who speeds.

Senator EXON. Is that being enforced right now?

Mr. DONOHUE. Yes, sir.

You are exactly right, that if we went out right now, today, onto route 81 or 95, depending on the time of day, we would find people exceeding the speed limit.

You know, one of the problems is that when you set a speed limit, you set the floor. If you go to West Virginia, if you go to Washington——

Senator EXON. I drove to West Virginia yesterday.

Mr. DONOHUE [continuing]. And you ask the enforcement people there when do they stop, well, they don't stop you at 55. They probably stop you at 61. Then, if we were to move the speed limit up to 65, then they would stop at 71.

This is a very legitimate debate and I look forward to it. One thing we are not is a group of people who will not listen to facts, to figures, and to logic. But we have a position and we think it is based on reason, and it is one that we advance with some concern.

Senator EXON. But is it not true—and I am sure it is true, or you would not have said it, Mr. Donohue—that the 61-mile-per-hour maximum speed would allow for increased profits more than increased safety?

Mr. **Donohue**. Sir, I am not really sure about that.

Let me give you an example.

By going 61 or 65, or 70, if you had a truck that would do that, you obviously can carry more freight over longer periods of time. So there are economies of making money there.

But on the other side of that equation, if you look at the life of the vehicle and if you look at the cost of maintenance and if you look at the consumption of energy, you would have to do an analysis. It really depends on what you are hauling, what the bulk is, how far you are taking it.

It is a business analysis. You could take a PC and some people would make money and some people would not.

Senator **Exon**. Let me ask you this question.

I agree that unfortunately speed limits have become the floor rather than the limit.

What would you say if we had a 70-mile-per-hour speed limit on rural interstates as a Federal policy—let the State have the right to set the speed limit at whatever it wants, 55 or 65, and maintain the 55-mile-per-hour speed limit on the primary and secondary roads where 90 to 95 percent of the deaths occur, and then have our enforcement mechanism of withholding funds start in at 71 miles per hour on the interstates and 56 miles per hour on the primaries and secondaries, so that we would enforce the speed limit by Federal action at a reasonable level? Do you think if we had something like that in place, where we actually enforced a 65- or a 70-mile-per-hour limit on the rural interstates at the option of the States, and enforced 55 miles per hour as the maximum speed on primary and secondary roads, it would have any significant adverse effect on safety?

Mr. **Donohue**. First of all, on the secondary roads, by enforcing at 55 miles an hour, I think it would have a very positive effect on safety. The question of whether the 15-mile-an-hour differential for all cars and trucks on rural interstates—and rural is difficult to define; it depends on where you live, what you decide rural is.

Senator **Exon**. No. I think there is an established definition by the Department of Transporation.

Mr. **Donohue**. Yes, there is. I understand that. But, you know, when you start applying it, it gets very sticky.

As I said when I started, Mrs. Donohue would think that is great and I might as well, and I sure know my three kids would. But I would just repeat that we have found economies of operation and we have found it to be a little more efficient and effective to drive slower. But I would not deny that you could make a case for going faster on the rural highways.

Senator **Exon**. Thank you, Mr. Donohue. I appreciate your frank remarks.

Mr. **Donohue**. Thank you, Senator.

The **Chairman** [presiding]. Do you have another question?

Senator **Rockefeller**. Just a quick one.

You mentioned, when you referred to the tacometers and people being fired, something that I want to follow up on.

Suppose this bill were not to pass and we were to go back to a situation where enforcement is not adequate, where problems remain, with an 18-percent increase in accidents. Owners have responsibility. You have indicated that 10 percent of the drivers cause 50 percent of the accidents.

It must be no enormous secret as to who those drivers are, not only literally, that is the number of tickets that they are known to have, but through observed behavior by company personnel who see them and through reports from others. So why are companies not able to fire people who drive in this manner without Federal law?

Mr. DONOHUE. Senator, companies are moving vigorously to first train drivers. We have a new driver training program that has been running through ATA.

Senator ROCKEFELLER. I am talking about after all of that.

Mr. DONOHUE. It is very important to understand what the standard is—to train drivers, to hire trained drivers, to make sure that they have people who know what is going on, and then to try to get rid of the folks who are breaking the law.

But please understand something. You own a company in West Virginia. You put a fellow in a truck and he drives to California. It is very, very hard to know what he does between West Virginia and California, particularly when he has a pocket full of licenses. It is very hard to weed out those people, and it is very, very difficult to understand what happens to that fellow after you fire him, if you do get rid of him.

No. 1, he may go to work for another company that is less thoughtful about the matter; and, No. 2, he may go and get his own truck.

These people are like bad pennies. They keep popping up again and again and again.

Senator ROCKEFELLER. But I find that an unconvincing argument. I want to see the bill pass, and I am strongly for it. But I think that is a series of extraordinarily poor arguments, that we cannot tell between West Virginia and California.

Of course you can. There is observed behavior. You keep referring to the deck of cards. There must be inside information about who those people are. There are people along the routes. There are other drivers. There are professional standards. It is a unionized situation. There are observations that have been made there.

So you fire somebody and they go to another company. Well, they go there somewhat less easily.

Mr. DONOHUE. And when they go there, the employer does not know.

Senator ROCKEFELLER. I understand that.

But because they might go to another company, it does not seem to me to excuse responsibility on an industrywide basis. Maybe ATA should be doing more talking about this.

Mr. DONOHUE. Senator, I do take some exception to your analysis. But I think it is interesting that I am sitting here, pushing this issue, and I represent the trucking companies.

It is not somebody else here trying to say let's put the heat on the trucking companies and the truckdrivers. We are here saying that we are spending a lot of money, a lot of time, and a lot of management experience in trying to clean up our act. But the Federal and the State system that allows people to get behind the wheel without any experience, without any training, and allows them to carry on however they choose, without any recourse under the legal system, is making it very difficult for us to do our job.

We are doing a lot and we'll do a lot more. But we need your help.

Senator **Rockefeller**. I understand the a lot, and I understand the need for the law very, very clearly. As Senator Exon, I was a Governor for a number of years and observed this type of issue. I myself stopped a lot of trucks and with State police arrested the drivers.

I thoroughly understand the problem. But what I do not want to see from the American Trucking Association is less than the maximum effort.

You said to Senator Gorton that 10 percent of the people cause 50 percent of the problem. That is not that many people within an average sized company. You are saying that you are doing the best you can.

Mr. **Donohue**. One of the problems, Senator, is that we do not represent every trucker. There are a lot of people we do not represent.

Senator **Rockefeller**. I understand.

I am talking about those whom you do represent, those for whom you speak.

I hope this bill passes. I will work for the passage of this bill. But I also sense a little bit of evasiveness. I mean, you blame the Federal Government—and you are right—because there is neither a uniform licensing procedure as between the States nor shared information.

But you must know within, let's say, your top four companies in size, those people must have a way of knowing who their worst 10 percent of drivers are and should be able to fire them.

Mr. **Donohue**. And they get rid of them.

The top five companies, which I could name very quickly, are United Parcel, Roadway, CF, Yellow, Carolina Freight. If you look at the records there, those are professional drivers. They get rid of their bad apples.

Senator **Rockefeller**. We have a number of panels to hear from today. Could you send me information about that, about how that procedure works concerning the firing of the 10 percent?

Mr. **Donohue**. Yes, sir. I would be very happy to get you information on that, and I would be happy to take you or your staff to show you how some of these things work. It is very fascinating and it is frustrating when you get to a certain point and you can't go any further on your own.

[The information referred to follows:]

American Trucking Associations, Inc.,
Alexandria, VA, August 7, 1986.

Hon. John D. Rockefeller, IV,
U.S. Senate, Dirksen Office Building,
Washington, DC.

Dear Senator Rockefeller: As promised, I've put together some information on how "problem drivers" are dealt with in the trucking industry.

Most carriers make every effort to hire good drivers, to supervise them, and to take action with those who do not comply with regulations, or who fail to operate their vehicles safely. The following is a brief explanation of procedures that most carriers follow in hiring, supervising and disciplining drivers.

DRIVER SELECTION

1. Initial Review—Carriers review employment applications with special attention to previous driving experience, record of accident involvement and violations, and previous employment. An initial interview may follow for a preliminary assessment of the applicant.

2. Motor Vehicle Record Checks—Many carriers do not hire drivers if the record check reveals:

More than three moving violation in three years,

License has been suspended or revoked,

Driver has been convicted of a major violation such as DWI, or a violation resulting in a traffic fatality.

3. Road Test—A driving test is given to assess the applicant's ability to handle the vehicle.

4. Physical Exam—The applicant is only sent for the prescribed medical examination after basic suitability for the job has been established. Carriers normally select the physicians who will do the medical examinations.

5. Probation Period—Drivers are on probation for 30 days. During this time line-haul drivers typically make one to three trips with an experienced driver.

MANAGING THE DRIVING

1. Driver Record Information—Carriers attempt to manage their drivers and take necessary disciplinary action. A major problem is obtaining complete information on a driver's violations. While most companies have rules which require the driver to report any citation received while on-duty, it is still up to the driver to comply.

The Federal Safety Regulations require an annual report from each driver to the motor carrier listing all convictions for traffic law violations, other than parking, regardless of the type of vehicle being operated at the time.

If the driver has multiple licenses, a bad record can be spread among the licenses and cannot be verified. If out-of-state convictions are not reported back to the driver's home state, they will never become a matter of record.

2. Disciplinary Action—When disciplinary action is necessary, non-union carriers have more latitude than unionized carriers.

For example, Overnite Transportation, a major non-union carrier based in Virginia will discharge drivers who in a 12-month period are convicted of 3 speeding, or 2 following too close violations, or are involved in three preventable accidents.

Union contracts prohibit discharge for most infractions unless the driver has first been given at least one warning letter, a copy of which must be furnished to the union. Warning letters are usually valid for only nine months.

Typically, disciplinary action is progressive with a warning letter for the first offense, a 3-day suspension for a second offense, and a 5-day suspension for the third offense in a 9-month period. On the fourth offense, the driver becomes, "subject to discharge." Whether or not discharge proceedings are initiated may depend on the seriousness of the infraction and the driver's previous record.

Carolina Freight, a major union carrier based in North Carolina, told me of an instance in which one of its drivers drifted across the centerline and struck a carload of state troopers. In the grievance proceeding, the driver was given only a 30-day suspension.

Contracts do provide for discharge without prior warning for major infractions such as reckless driving resulting in a serious accident, drunkenness on-duty or while on company property, use of drugs, dishonesty, transportation of an unauthorized passenger, or unprovoked assault on a supervisor.

INDUSTRY EXPERIENCE

Since 1980, the number of carriers with ICC authority has almost doubled from 18,000 to 33,000. Unfortunately, many of these new carriers are not meeting their safety responsibilities either because of competitive pressure, lack of knowledge of safety requirements, or deliberate non-compliance with existing requirements.

ATA continues to support programs that will effect industry compliance with safety regulations and improve truck safety including:

State roadside vehicle inspections funded through the DOT Motor Carrier Safety Assistance Program that could place unsafe trucks out of service.

Carrier safety fitness determination by DOT that could put a carrier out of business for an unsatisfactory safety program.

Driver licensing legislation that will qualify individuals before they are licensed, and assure a complete driver record.

INDUSTRY DRIVER CONTROL PROGRAMS

The trucking industry, through the ATA affiliated state trucking associations also conducts several programs to advise carrier management of the actions of drivers. These include:

Cooperative Safety Patrol in which industry safety personnel observe truck operations. Written reports are sent to the state association which forward them to the carrier management. Carriers use the reports to advise drivers that their actions have been observed and reported.

Arrangements made by some state associations with state police to furnish copies of citations issued to truck drivers. The state associations in turn forward the information to the motor carrier. Unfortunately, most of the state police organizations are unable to provide this service to the industry.

ATA endorsed service to provide motor vehicle records to carriers within 48 hours.

INDUSTRY CONCERNS

The present licensing system allows drivers to easily obtain multiple licenses and spread violations among them or are licensed without demonstrating that they are qualified to operate a commercial vehicle. Too often, these problems are not known until a major accident occurs. The best remedy for addressing the situation is through the joint federal/state/industry effort I outlined in my testimony which will insure that:

Drivers are tested on the type of equipment they will operate;

Commercial drivers have one valid license at any time; and

There is full interchange of information on traffic law convictions between states which assure a complete driver record.

Thank you for your interest in truck safety and your statement of support for the legislation. If you have any questions or would like to discuss this matter further, please do not hesitate to contact me.

Sincerely,

THOMAS J. DONOHUE.

Mr. **DONOHUE**. We are really leading the charge on this issue. I take your comments very seriously. There is clearly much more that we can do.

We are looking every day for more things that we can do because there is a bottom line.

Not only do we have a responsibility to the community and to the people who work for us, not only does it make good business, but we have no legitimacy here in this Congress or in any of the State legislatures if we are not out in the forefront on safety.

Senator **ROCKEFELLER**. Thank you.

Senator **EXON**. Mr. Chairman, I have just one more comment.

To back up and support you on your position a little bit, Mr. Donohue, when you mentioned United Parcel, I remembered that somewhere around Columbus, OH, I passed, and all the other trucks passed, the United Parcel truck. It was driving at 55 miles per hour.

Mr. **DONOHUE**. And they make more money than anybody else.

Senator **EXON**. I salute them for that.

But I would say, though, that I was cussing them for a mile and a half because they had traffic backed up for a mile and a half behind them.

Mr. **DONOHUE**. Both you and Mrs. Donohue.

Senator **EXON**. So there are both pros and cons.

The **CHAIRMAN**. Thank you very much, Mr. Donohue.

Mr. **DONOHUE**. Thank you, sir.

[The statement follows:]

STATEMENT OF THOMAS J. DONOHUE, PRESIDENT AND CHIEF EXECUTIVE OFFICER, AMERICAN TRUCKING ASSOCIATIONS

I. INTRODUCTION AND EXECUTIVE SUMMARY

I am Thomas J. Donohue, President and Chief Executive Officer, American Trucking Associations. I welcome the opportunity to address the safety initiatives contained in S. 1903, the "Commercial Motor Vehicle Safety Act of 1985."

I submit this statement on behalf of ATA, the national trade association of the trucking industry. Through its 51 affiliated trucking associations located in every state and the District of Columbia, 11 affiliated conferences, and several thousand individual motor carriers, ATA represents every type and class of motor carrier in the country: for-hire and private; regulated and exempt.

I commend the Committee and staff on S. 1903 and the staff draft legislation released last week. We support the goals, objectives, and concepts outlined in the latest draft. We believe the licensing aspect of this legislation is critically important because the safety of trucks on the highways depend on the skills and good judgement of truck and bus drivers. Yet our nation's system of licensing truck drivers is flawed and inadequate. Its deficiencies allow unqualified, unsafe drivers of heavy vehicles to operate on our highways.

The result is:

A heavy toll in deaths, injuries, and property damage from preventable accidents;

Frequent traffic tie-ups and increased congestion on the roads

Rising insurance costs and worker's compensation claims;

A damaged trucking industry reputation;

Motorists who are afraid to share the road with large vehicles; and finally

Tarnished reputation of the great majority of truck drivers who are conscientious and professional.

The current licensing program for trucks in America today is in a crisis situation. It is shocking that our nation has tolerated such a system for so long. It allws a significant minority of truck drivers to shuffle licenses like a deck of cards, obtaining two, three, or a dozen simultaneously valid licenses, which are used to hide violations. It is a crazy quilt pattern that varies widely from state to state. The system fails twice: (1) it fails to qualify drivers on the vehicle they will drive and (2) it fails to get the bad drivers off the road.

Secretary of Transportation Elizabeth Dole, a recognized leader in highway safety, expressed her outrage at the driver licensing mess in a speech last November to the Highway Users Federation:

There is another serious problem we must address, namely the fact that in 20 [now 19] of our states, any person who is licensed to drive an automobile can also legally drive a tractor-trailer without first meeting any formal state training, testing or operator licensing requirements. Quite frankly, this is outrageous. It should worry any American who drives or rides as a passenger on the same roads shared with tractor-trailer vehicles.

Nor does this exhaust my concerns. What about the ease with which drivers can obtain multiple licenses and records to match? In fact, we have evidence that some drivers—including truck and bus drivers—may possess licenses in several states at the same time. Why? To hide accidents and traffic violations and avoid state enforcement action, such as license revocation. The National Transportation Safety Board has found that three separate levels of commercial driver screening notwithstanding, states continue to license problem drivers to operate heavy trucks.

The problem has reached epidemic proportions:

The American Association of Motor Vehicle Administrators found that as many as 30 percent of America's truck drivers have more than one license.

The National Transportation Safety Board reports that 44 truck drivers involved in serious accidents had a total of 63 licenses, 98 license suspensions, 104 accidents, and 456 traffic convictions.

State driver licensing programs should qualify an individual to operate the kinds of vehicles that the person will drive. Unfortunately, the licensing systems in many states fail to do this. In 19 states a person whose driving skills have been tested only in a car can legally drive a large truck. These states are:

Alabama, Alaska, Arizona, Arkansas, Florida, Idaho, Indiana, Kentucky, Mississippi, Missouri, Montana, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Vermont, West Virginia, and Wisconsin.

In addition, state licensing procedures should provide a complete driving record of all driving infractions. Twenty states still do not belong to the National Driver License Compact which facilitates exchange of traffic violation information. These states are:

Alaska, Connecticut, Georgia, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Texas, Vermont, Wisconsin, and Wyoming.

Because the states have demonstrated an inability to correct this situation, the Federal government must act. Its action, however, need not be a major incursion into traditional state activity. For example, we do not believe that there should be a Federal drivers license for commercial truck drivers similar to that of airline pilots. We do believe that the Federal government has an obligation to:

Ensure uniformity in licensing requirements so that an individual cannot operate an 18-wheeler with go-kart experience.

Set deadlines so the motoring public isn't subject to the glacial pace of state-by-state progress;

Coordinate, by providing a single place where state officials can determine if an applicant already has a license; and

Help fund start up costs through the use of already collected user fees, to supplement increased license fees.

These are legitimate Federal functions which help states carry out their essential responsibilities. Precedent has already been established through Federal safety belt requirements, drinking age limits, and speed limits. More recently, DOT has proposed that a driver transporting hazardous materials have only one license. A single, uniform, commercial driver's license is just as important to highway safety as these other Federal actions.

Remarkably, the entire highway transportation community is united in support of an improved licensing system. A broad spectrum of national organizations concerned with highway safety, such as auto clubs, manufacturers, shippers, insurers, labor, owner operators, and motor vehicle administrators, agrees on the need for a solution now.

What is the solution? In summary, the ATA program incorporates the following elements:

Issuing a single license, by the states, under uniform standards established by the Federal government;

Qualifying the individual on the type of vehicle that is going to be operated;

Maintaining a complete record of all moving violations that will be exchanged between states;

Requiring all drivers of heavy trucks, regardless of whether they operate in intra- or interstate commerce, to obtain a commercial driver's license; and

Establishing a central identifier file to prevent multiple licenses.

We strongly urge Congress to enact our program to assure the public that heavy vehicle operators have one license, one record, and are qualified to operate these vehicles.

The trucking industry also supports increases in the funding of the Motor Carrier Safety Assistance Program. This excellent program has tremendous potential for making major improvements in the safety of truck operations.

The trucking industry supports programs for roadside inspections of drivers and vehicles and endorses the "look and listen" methods of selecting drivers and vehicles for inspection.

The trucking industry believes that legislation must impose a penalty on shippers and agents who encourage drivers and motor carriers to violate speed laws, hours of service regulations, and size and weight laws. These persons should be subject to the same major penalties that can now be imposed on drivers and motor carriers for such violations.

Appendix A contains my answers to the specific questions posed by the committee in its invitation to testify.

II. A SINGLE, UNIFORM COMMERCIAL LICENSE: A LOGICAL SOLUTION

The use of multiple licenses has only one purpose: to enable bad drivers to spread out violations to hide a pattern of unsafe driving. Our current system allows a pattern of abuse. Drivers today can obtain additional licenses by changing their names, social security numbers, addresses, and other documentation.

In October, 1965, ATA endorsed the "one driver-one license" program of the American Association of Motor Vehicle Administrators. Yet, more than 20 years later, the states are not effectively restricting drivers to one license. According to the National Highway Traffic Safety Administration, "There is an extensive lack of conformance with the one license-one record concept, even though all jurisdictions favor it."

At first glance it would appear that the easiest solution for prohibiting multiple licenses would be for the Federal government to issue a Federal driver's license. Aircraft pilots—commercial and private—receive a Federal license regardless of where the pilot lives, stores his plane, or operates the aircraft. Even if the pilot never crosses a state line, he is still required to have the Federal pilot's license.

Several factors argue against a Federal driver's license:

Driver's licenses have been a traditional state prerogative;

States already have the facilities and trained personnel and the Federal government does not; and

States would lose income.

A more workable program is one in which the states continue to perform the licensing functions: testing, qualifying, record-keeping, and issuing and revoking licenses. The Federal responsibility is to ensure uniformity in licensing requirements; set deadlines to ensure timely application; coordinate a central identification file; and help fund start up costs.

This Federal/state partnership will ensure the safety of all highway users. Federal standards of applicability must be established. Other key components of this system incldue: a unique identifier, a central identification file, uniform testing, and record-information exchange.

Applicability of licensing requirements

Intra- and Interstate Commerce. Licensees should be required to carry a license validated for the operation of a commercial vehicle whether they are driving in interestate commerce or intrastate commerce. The nature of the operation, potential hazards, and the knowledge and skill necessary for safe driving are dependent on the size and type of vehicle, not on whether it is operating in interstate or intrastate commerce.

If the requirements are not made applicable to intrastate drivers it will be easy for any driver of a heavy commercial vehicle to obtain addtional licenses in adjoining states and operate in each state legally, and operate in interstate commerce with little fear of being detected as a non-licensed interstate driver.

The operating characteristics that apply to heavy commercial vehicles in inter- and intrastate commerce apply to all drivers. Therefore, all drivers, including government employees, should be included in the licensing program.

Vehicle Classes and Weights. The National System should focus on the drivers of two classes of vehicles: heavy straight trucks and combination vehicles, with gross vehicle weight ratings of more than 26,000 pounds. These vehicles have the greatest potential for involvement in accidents which cause death, serious injury, and major property damage because of their size, the distances they travel from their home base, operating conditions, and the mileages they accumulate which may be as high as 200,000 miles per year. The drivers of the vehicles must have the highest level of competence to operate safely.

If the system is limited to drivers of these classes of vehicles there will be less cost, less burden on licensing agencies, and greater program effectiveness. The trucking industry advocates the licensing classes of National Highway Traffic Safety Administration and American Association of Motor Vehicle Administrators.

ATA does not believe drivers of commercial vehicles weighing 26,000 pounds gross vehicle weight or less should be required to have a commercial drivers license. Lowering the threshold would increase the number of applicable vehicles from 1.6 million to 3.6 million, a 122 percent increase. Assuming the same ration of 1½ drivers per vehicle, 5.4 million drivers would be required to have a commerical driver's license.

Most drivers of these lighter trucks are not engaged in interstate commerce and do not cross state lines. As a result, there is less opportunity to acquire a multiple license. According to the 1982 Truck Inventory and Use Survey, the largest percentage of the two million trucks between 10,000 and 26,000 pounds Gross Vehicle Weight are engaged in agriculture:

	Percent
Agriculture	34.0
Manuf./wholesale/retail	22.7
Construction	15.3
Services	5.9
For hire	5.8
Utilities	4.6
Daily rentals	3.1
Personal use	2.7
Other	2.5
Forestry	2.0
Mining	1.4
Total	100.0

Furthermore, vehicles used in daily rental present a unique problem. The most visible of these vehicles are the ones people rent on weekends to move their furniture across town. It would appear to be excessive to require these operators to have a commercial drivers license.

Hazardous Materials. ATA does not believe that drivers of hazardous materials should be required to hold a special license. Over 250,000 shipments of hazardous materials are transported each day by trucks. If all these shipments were moved by a core group of drivers, e.g. tank truck drivers, it would be easier to establish special requirements. Unfortunately, a large percentage of these shipments are hauled in dry frieght vans in both truckload and less than truckload shipments. Carrier management does not know from one day to the next whether the trailer will contain a hazardous material. For example, a local pickup and delivery driver never knows when he leaves the terminal whether or not he will pick up a hazardous materials shipment. As a result, most carriers would require their drivers to obtain a hazardous materials license.

In addition; a separate hazardous materials license would may create a two-license situation. Albeit on a smaller scale, drivers would once again have the opportunity to spread violations between two licenses.

We believe that much of the fear concerning drivers transporting hazardous materials will be reduced once we are assured that all commercial drivers have one license, one record, and are qualified to drive a big truck. We do not believe the state motor vehicle administrators have the ability to qualify drivers for hazardous materials transportation. Such a requirement would result in unwarranted administrative and cost burdens for the state.

Driver training and certification for hazardous materials can best be accomplished by federal requirements for training to be provided by the employer. This approach allows the training to be operation specific. Current federal hazardous materials regulations require hazardous material training for drivers, yet the current requirement is too vague. The Department of Transportation has proposed, and ATA will support, requirements for more comprehensive hazardous materials training for drivers.

Certainly the fatality figures indicate that licensing problems are greater for all drivers than for hazardous materials drivers. In 1984, there were more than 4,000 truck involved fatal accidents. Only four deaths resulted from the release of hazardous materials.

Unique identifier

The only way to assure that a heavy vehicle driver has only one license is to have a unique identifier as an intregral part of the license. The identifier must be a personal characteristic that cannot be changed by the individual for the purpose of assuming a different identity to obtain an additional license.

The trucking industry believes that the most practical identifier system is fingerprinting. New technology enables more effective use of fingerprints than in the past. They can be rapidly transmitted over telephone lines, and quickly checked by lasser scanning. As an alternative, facsimile transmission through the U.S. mails can be used. Through comparison with fingerprints at a central file, a determination can be made if a license applicant has already obtained a license. If the person is licensed in another jurisdiction, the second application would be automatically denied.

The use of a fingerprint system for licensing commercial vehicle drivers does not appear to be an invasion of the privacy of commercial drivers because it is for the purpose of qualifying them for use of the highways for occupational purposes.

It is imperative that practical and effective measures such as fingerprinting be included in the licensing process to protect the public from unsafe commercial vehicle operations.

The national commercial driver identifier file

A unique identifier is not a complete solution. It must be used in conjunction with a central file that identifies all licensed drivers of heavy commercial vehicles. This file should be maintained by the Federal government for access by all states and by employers and other users of licensed drivers of heavy commercial motor vehicles.

The Identifier File would list each individual holding a license. Once a state has sent identification for an individual to the File it would not be possible for that person to obtain a license from a different state while the initial state's license is valid.

The best available estimates indicate that approximately 900,000 truck-tractors and about 700,000 straight trucks exceed 26,000 pounds gross vehicle weight. Allowing a factor of 1½ drivers per vehicle, we estimate that 2.4 million drivers would be covered by the National Commercial Driver License program.

Based on the four-year license renewal cycle in effect in most states, an estimated 600,000 drivers per year would be entered into the system. Within four years, all current drivers would be processed.

Testing

The Federal government must establish uniform standards to test the driver's:

Knowledge of traffic laws, regulations, and rules of the road;

Knowledge of the vehicle and vehicle inspection procedures;

Skill in actually operating the vehicle in various traffic situations on the highway; and

Physical fitness to capably handle a large tractor-semitrailer.

Driver record information

It's not enough to know that a driver has only one license and is qualified to drive his vehicle. The licensing program for drivers of heavy commercial vehicles must also provide for the transfer of all moving violation information from the state where the violation occurred to the state where the driver's license was issued.

The principle of information exchange by the states is incorporated in the Driver License Compact but it is not fully effective because:

Only 30 states are currently participating;

The states are exchanging information only for extreme violations, such as manslaughter, negligent homicide, DWI, etc.

The changes in the National Driver Register (NDR) which are now in the process of being implemented will not be effective in addressing these concerns because no driver will be listed in the NDR until that driver has already developed an unsatisfactory record as evidenced by loss of driving privileges, or by conviction of specified extremely bad traffic violations.

III. IMPLEMENTATION

A program of this scope and importance requires timely implementation by Federal and state governments. It must also provide adequate funding for start up costs, incentives to encourage state participation, and sanctions for violations.

Schedules

The Secretary of Transportation should be required to establish national standards for licensing, testing, qualification, and classification by September 1, 1987. States should establish classified license programs that meet Federal requirements by September 1, 1988. The central file should also be operational by September 1, 1988 to ensure that no unqualified drivers are licensed or receive multiple licenses. All state programs must be in full operation by September 30, 1989 to avoid sanctions. While these are tight deadlines, they are achievable. ATA pledges to help the Secretary and the states to meet these deadlines.

Funding

The trucking industry firmly believes in user supported programs. Start up funding for the commercial driver licensing program should come from a Federal grant based on already-collected user fees in the Highway Trust Fund. General operating expenses will be covered by licensing fees.

The estimated start up costs for buying the necessary specialized equipment is less than $12 million (see Appendix D for details). These funds should come from the Motor Carrier Safety Assistance Program, provided that the program funding is increased from its current level of $17 million to $50 million as proposed by the Secretary of Transportation, and as proposed in S. 1903.

MCSAP is a highly effective truck safety program that is strongly supported by 48 states and the trucking industry. Its primary focus has been on roadside inspections of vehicles, drivers and loads so that those which are defective can be identified and removed from service. It is appropriate, therefore, to use MCSAP funding to establish a driver license control system that will be nationally effective and which will complement the roadside inspection program.

Operating costs of the National Commercial Driver License Program can be funded from an increase in the commercial driver license fee. The amount of the license fee should reflect the real cost of license processing. This approach is similar to other professional licensing fees, such as those paid by plumbers, electricians, and beauticians.

Sanctions for the States

The effectiveness of this program depends entirely on the full participation of every state. If the Driver Compact is any indication, it will be well into the 21st Century before all the states adopt this program under a voluntary arrangement. We believe sanctions must be imposed to require states to join the program. These sanctions could include the withholding of highway funds or injunctive relief for non-participation.

Sanctions for the driver

Current provisions of the Federal Motor Carrier Safety Regulations provide for disqualification of a driver under specified conditions, including criminal misconduct, such as driving under the influence of alcohol and other drugs, leaving the scene of an accident resulting in death or personal injury, and commission of a felony involving use of a motor vehicle.

ATA agrees that there should be penalties for major moving violations if a pattern of violations is present. We believe such a pattern is established when a driver receives citations for three moving violations in a year. We do not believe a pattern is established by fewer violations in more years, such as two violations in three years, particularly when one considers a truck driver can drive 100,000 miles or more a year, almost ten times the mileage of a typical automobile driver.

We believe the Committee should be aware of a court decision, which held that disqualification for these kinds of misconduct is limited to violations occurring while the driver was on duty and acting in the furtherance of the business of a motor carrier.

ATA also believes that there should be a penalty if a driver obtains or attempts to obtain an additional license.

IV. INSPECTION OF DRIVERS AND VEHICLES

The trucking industry strongly endorses roadside inspections, the Motor Carrier Safety Assistance Program, and similar activities. We believe inspections should maximize the efficiency of inspectors and minimize costs. Therefore the industry advocates "look and listen" inspections whereby inspectors select vehicles for inspections based on whether or not a vehicle looks or sounds bad.

The industry does not support inspections which involve selection of vehicles on a random basis. In a random selection program, the inspector usually takes the closest vehicle available to him/her, or on a statistical basis takes the *N*th vehicle away. The result of random selection is that the inspector will frequently select a vehicle that is obviously in good condition and have to ignore another vehicle that is just as obviously in poor condition.

Using the "look and listen" selection method, inspectors find more defects and place more vehicles out of service than they would if they did random inspections. This method of selecting vehicles for inspections is cost effective and does more for safety than random inspection programs.

We believe that the same principles can be applied to inspection of drivers. If a driver appears to be in poor condition, there may be justification for an inspection to determine if the driver is under the influence of drugs or alcohol.

The trucking industry recognizes the hazards created by drivers under the influence of alcohol and other drugs, but we believe that the screening of drivers should be based on probable cause, rather than random selection. In addition, legislation should provide safeguards to protect rights and health of the driver by assuring that accepted medical practices are followed in any testing program.

V. COMMERCIAL MOTOR VEHICLE SAFETY FUND

The trucking industry supports uniform, fair, and equitable enforcement, and adequate funding for enforcement activities. Our industry is concerned, however, about any program which relies upon the collection of fines for the funding of such enforcement activities.

Most political jurisdictions do not fund enforcement activities from fines collected by enforcement agencies. It is an uncommon practice that is disfavored in the law today. It is onerous and should be avoided in this legislation.

VI. APPROPRIATIONS FOR THE MOTOR CARRIER SAFETY ASSISTANCE PROGRAM

The Motor Carrier Safety Assistance Program, established by authority of Section 402 of the Surface Transportation Assistance Act of 1982, has tremendous potential to reduce commercial vehicle accidents, and the deaths, injuries, and property damage resulting therefrom.

This potential can be realized given the funding levels for MCSAP in S1903. These levels are necessary to enable states to establish organizations, hire personnel, and conduct programs to enforce Federal Motor Carrier Safety Regulations.

The MCSAP authorization proposal in S. 1903 for increases in funding in the early years, with a leveling off thereafter, will firmly establish the federal intent to carry out a long range program in truck safety. This will encourage states and give them incentive to make their own commitments with the knowledge that federal funding will not unexpectedly disappear.

VII. PENALTIES FOR AIDING AND ABETTING VIOLATIONS

Truck drivers and motor carriers sometimes operate in violation of certain laws and regulations involving weight, hours of service, or speed limit, because of pressures imposed on them by shippers and agents.

Shippers and agents may threaten carriers with loss of business. Or they may offer an incentive, such as a bonus for providing the illegal service. ATA has received many complaints from drivers and carriers about such practices by shippers and agents. In some cases, weight enforcement officials have penalized shippers who overload a vehicle or container. Usually, however, the penalty is imposed on the driver or the carrier.

ATA does not oppose the imposition of penalties on drivers and carriers that violate the law. But if these practices are to be stopped, penalties must also be imposed on shippers and agents who aid and abet such violations.

VIII. SUMMARY OF THE TRUCKING INDUSTRY POSITION ON S. 1903

In summary, the trucking industry supports the objectives of S. 1903. Legislation to improve the commercial driver licensing and driver record systems is urgently needed. Such legislation should embrace the following features:

Licenses should be issued by the states;

Classes of licenses should be established for the types of vehicles to be operated;

Federal testing standards should be established;

A central identifier file of fingerprints and other identification should be used to prevent multiple licensing;

The requirements should apply to interstate and intrasate drivers; and

All states should participate in the exchange of traffic violator information.

The trucking industry also supports increases in the funding of the Motor Carrier Safety Assistance Program. This excellent program has tremendous potential for making major improvements in the safety of truck operations.

The trucking industry supports programs for roadside inspections of drivers and vehicles and endorses the "look and listen" methods of selecting drivers and vehicles for inspection.

The trucking industry believes that legislation must impose a penalty on shippers and agents who encourage drivers and motor carriers to violate speed laws, hours of service regulations, and size and weight laws. These persons should be subject to the same major penalties that can now be imposed on drivers and motor carriers for such violations.

Questions of the Committee and the Answers

Question 1. To what extent will the establishment of a national or uniform commercial drivers licensing system promote highway safety?

Answer. A national commercial driver license system will get the bad truck drivers off the road. It will be easier to detect drivers with bad records because they can't hide violations among several licenses.

Drivers will be better qualified so they'll make fewer mistakes.

Even good drivers will try to be safer because they will know that driving mistakes can hurt their record and jeopardize their license.

Question 2. What should be the goals of the commercial drivers licensing system?

Answer. There is only one goal: to reduce accidents.

The public and truck drivers must be protected from death and injury; motor carriers must be protected from loss of valuable employees, increased workmen's comp costs, higher insurance costs, loss of business, and a bad image.

To achieve this goal the system must assure that drivers are qualified; that they have only one license; and that they have an acceptable traffic record.

(a) Will these goals be best accomplished by a national license issued by the Department of Transportation or a uniform license issued by the States?

Why create another federal bureaucracy? A uniform license issued by the states is more efficient and effective. The states already have the organization, staff, and facilities for licensing. Federal licensing would cost more and accomplish less.

Question 3. What standards should a licensing program provide for?

Answer. The standards must prove that a driver is skilled, knowledgeable, and physically fit.

There must be tests that mean something, such as driving tests in a truck, not a car; tests of knowledge about truck safety; and periodic physical exams.

There must be good records systems to make it easier to detect unsafe drivers.

There must be uniformity of standards and universal implementation of them by the states.

The standards should cover:

Classes of Licenses.—The one driver-one license concept should be adopted. The classes of licenses for a Uniform Commercial Driver License Program should be:

(i) Class A.—All combination units with a GVWR of more than 26,000 pounds.

(ii) Class B.—Any single-unit truck with a GVWR of more than 26,000 pounds, including those with a trailer or other unit with a GVWR of 10,000 pounds or less.

(b) Written Testing.—Each driver should pass a written examination in English covering general traffic laws, special regulations applicable to truck operation, and safe driving principles.

(c) Road Testing.—This is the most important single element of licensing. It must evaluate the driver's basic ability to handle the vehicle properly and to make a safety inspection of it.

(d) Medical Qualification.—At the time of application and at each renewal, the driver should present evidence of having passed a medical examination as stringent as that prescribed in the Federal Motor Carrier Safety Regulations (49 CFR 391.41, et seq.) within the past two years.

(e) Training.—The National Commercial Driver's License System is designed to provide a uniform measure of the individual's competence to drive a particular type of vehicle. The license system should provide that graduates of schools which meet federal standards should be allowed to qualify for a license without taking a road test.

There will be a need to provide training to state license examiners, so that they can properly evaluate license applicants.

(f) Disqualification.—The trucking industry supports the provisions of the Federal Motor Carrier Safety Regulations (49 CFR 391.15) governing disqualification.

There should be disqualification of a driver who obtains, or attempts to obtain, additional licenses, unless a second license is required by non-resident licensing laws of a state.

Basically the industry seeks disqualification provisions that are reasonable. Drivers who develop records of major moving violations should be disqualified. However, we don't agree that there should be disqualification for only two or three moving violations over a long period of time.

(g) Relationship To Existing Programs, Standards and Regulations.—The mechanisms for effective control of commercial vehicle drivers have been in place for many years in the Uniform Vehicle Code, the Driver License Compact, the State Safety Program Standards of the National Highway Traffic Safety Administration, the classified license programs of the 27 states that now give on-vehicle testing, and provisions of the Federal Motor Carrier Safety Regulations. What is needed now is uniformity of the standards, and universal implementation of them:

(i) Driver License Compact.—This Compact calls for interchange between states of records of traffic violation convictions of all drivers so that the record is complete in the driver's home state and appropriate corrective action can be taken for violations. This principle must be fully implemented with respect to holders of Class A and B licenses. At present, only 30 states and the District of Columbia are signatories, and the interchange of information is limited to the most serious violations.

(ii) Classified Licensing Programs of the States.—The American Association of Motor Vehicle Administrators initially adopted a recommended classified licensing program in 1969 which was reaffirmed in the Model Classified Licensing Program of 1978 published by NHTSA and AAMVA. The program provides for one license per driver based on class of vehicle to be operated. At present there are wide disparities in the classes with only 6 states having adopted those recommended in the model program. A study by the Bureau of Motor Carrier Safety indicates that only 27 states issue their classified licenses on the basis of a road test on the vehicle type to be operated. There must be uniformity in the treatment of drivers of over-26,000 pound vehicles. There is no intent to interfere with other license classes that states may now have in effect or establish in the future.

(iii) Department of Transportation Regulations.—The trucking industry views the thrust of the Commercial Driver Licensing System as providing better implementation of, and promoting improved compliance with the driver qualification provisions of the Federal Motor Carrier Safety Regulations, 49 CFR Part 391.

Question 4. What are the most feasible and cost effective methods for ensuring that no commercial driver has more than one license?

Answer. There must be a "unique identifier" so that a licensee cannot falsify identity to obtain more licenses.

There must be a federal identification file of individuals who have been licensed and their "unique indentifiers".

(a) The Unique Identifier—This is critical to the effectiveness of the identifier system. Fingerprints can and should be used as a positive identification for drivers because they cannot be changed. They can be readily transmitted and checked by use of laser screening technology, or by fascimile transmission of conventional fingerprints. The fingerprints can be rapidly compared and a determination made as to whether or not the individual has any other license.

(b) The federal role in the system is the operation of a Commercial Driver Identification File which will contain a listing of each person to whom a Class A or Class B linense has been issued. For each individual, the central record will include the driver's name and other conventional identifiers, a unique identifier to be used to ascertain whether or not the individual has a license in any other state, a license number, a distinguishing alpha code (A or B) indicating the class of license, and the state of issue.

This central identifier file will not contain any other information. The driver's performance would be a matter of record in the state which issued the license and would be made available to employers in line with current practice. The sole function of the central identifier file would be to permit rapid checking to determine whether or not a driver has been licensed in another state. This would normally occur only under the following circumstances:

(i) When a driver currently licensed to operate heavy trucks is brought into the National Commercial Driver's License System;

(ii) When any person newly applies for a commercial driver's license;

(iii) When a person moves from one state to another, applies for a license in the new state, and surrenders the old license.

(c) Relationship with the National Driver Register—The central file could utilize the same equipment and facilities as the National Driver Register but we do not see a direct relationship with the NDR.

Question 5. What are the most feasible and cost effective methods for creating a single driving record for commercial drivers and facilitating exchange of information contained in that record?

Answer. The record on drivers who have been licensed by a state should be the single driving record for a licensee. The Federal government and other agencies should not attempt to duplicate the state file. It is in place and operative and so it is more cost effective to continue it than to replace or duplicate it.

Two things are needed to make the state record more effective: improved identification of the licensee through use of a unique identifier, and a more complete record of violations committed in other states.

Present provisions of the Driver License Compact call for the full exchange of information on convictions of out-of-state drivers. With respect to holders of Class A and B licenses, this provision must be implemented in all states so that there will be a single source of information with respect to the complete driving history of each holder of a Class A or B license.

States currently use electronic systems and the mails for transmission of traffic violator information. There are two cost effective methods that can be used to transmit information on unique identifiers. One is an electronic system that utilizes phone systems at a cost of approximately 25 cents per transmission. The other is to use the US mails. The electronic system would expedite the exchange for information between states and the federal identification file. Use of the mails would result in a delay of license issuance that could be compensated for by issuance of a provisional, limited term license or by having license applicants apply 60 to 90 days ahead of the license issuance date.

(a). Relationship to NDR.—There is no relationship between this record of a driver and the National Driver Register (NDR). The listing of an individual in the NDR is triggered only by loss of driving privileges, or upon conviction for specified major violations such as DWI. It provides no source of information as to the driver's total record under any circumstances.

The NDR does not detect the holding of multiple licenses which are obtained prior to the time that the name of an individual is entered into that data bank.

NDR is a control mechanism that operates after-the-fact, and it does not meet the needs of the trucking industry.

Question 6. Estimate the cost that would be associated with each aspect of an effective national or uniform commercial drivers licensing program.

Answer. (a). The trucking industry estimates that the start-up costs for the National Commercial Driver License System, using fingerprint technology to prevent multiple licensing will range from $7,000,000 to $11,000,000 for 50 states and the District of Columbia. These estimates are based on four to eight sets of equipment for the states and two electronic scanners for federal government use.

	Per unit
State costs:	
(i) Laser scanner equipment	$12,500
(ii) Fingerprint verification equipment	4,000
Federal costs:	
(i) Electronic scanner	175,000
(ii) Software development	500,000
(iii) Optional storage, device and computer storage	500,000
Program installation testing	3,000,000

(b) Operational Costs.—State operational costs are assumed to be minimal for fingerprinting and processing as the personnel and facilities to the used are the same as those in use now by licensing agencies. If additional staff is needed, the cost should be covered by licensing fees.

States costs for the exchange of violations information is estimated to be a maximum of $10 per transaction. For an estimated 192,000 violations annually for drivers of heavy trucks, the cost would be $1,920,000 if it is assumed that all of the violations occur out of state.

Federal cost for a maximum of 12 employees to operate the identifier file are estimated at $500,000 annually. After the first four years, the number of requests for identification should drop off from 600,000 to approximately 250,000 per year. This would result from completion of processing of current drivers during a four year license renewal period. Processing thereafter would be mostly of new applicants for licenses which we estimate to be 10% of the driving populations annually.

Federal data transmission are estimated to cover 600,000 drivers. The annual cost of transmission is estimated at $300,000. It should decline after the first four years.

Administration of the driver license examination is estimated at $50 for new applicants for licenses. ATA advocates a "grandfather" provision for current drivers and so the license examination costs would not be applicable.

Question 7. Indicate sources of funding for those costs including State sources, Federal Government sources, industry sources, and the individual driver.

Answer. Funding.—The trucking industry believes that initial Federal funding for the implementation of the Identifier File should come from appropriations for the Motor Carrier Safety Assistance Program (MCSAP) provided that MCSAP authorizations of $50 million and up are enacted as provided for in S1903. Since driver control is as important as the monitoring of vehicle condition, we believe that MCSAP funds should be used for this purpose on a one-time start-up basis. With the anticipated increases in MCSAP funding, substantial expansion of the roadside inspection program could still be accommodated adequately during the start-up period of the driver license system.

At the state level, the costs of the Commercial Driver License Program would be recouped from the fees paid by licensees. Continuing federal costs should be covered by fees imposed on users of the Central Identifier File for each transaction.

Question 8. Who should be covered by the national or uniform commercial license program?

Answer. (a) Drivers Covered.—All drivers of heavy combinations and single-unit trucks operating in interstate and intrastate commerce. The potential hazards of the vehicles, and the level of competence required to safely operate them are the same regardless of the type of operation. Therefore, there is no justification for any distinction by interstate-intrastate in the licensing of these drivers.

(b) Vehicles Covered.—All combination vehicles and single-unit trucks with a Gross Vehicle Weight Rating (GVWR) of more than 26,000 pounds. These are the vehicles which require the highest level of competence to operate safely, have the greatest potential for serious consequences in the event of an accident, and are of the greatest public concern. Limiting the program to drivers of these vehicles will hold the licensing costs and additional workload to manageable levels.

(c) Number of Drivers Affected.—ATA estimates that approximately 2.4 million drivers would be subject to the National Commercial Driver License System. This is based on the best available estimate of 900,000 registered truck-tractors and 700,000 straight trucks with a GVWR of more than 26,000 pounds. Balancing those fleets whose vehicles operate virtually around-the-clock, those using two-driver teams, and those whose vehicles operate a single shift per day, we estimate approximately 1.5 drivers per registered vehicle.

Question 9. What is the most effective way of ensuring participation by all States in a national or uniform commercial license program?

Answer. The most effective way of ensuring state participation is by establishing national standards for the licensing program; assisting with start-up costs; and by providing that licenses issued by a state which does not have a program which meets federal standards will not be acceptable in interstate commerce.

Commercial drivers from that state would then be licensed through another state or they might be allowed to register directly with the federal agency and use their state license on a provisional basis for a limited time.

States which do not participate in the program should be subject to witholding of highway funds and subject to civil action by the Secretary for injunctive relief necessary to assure compliance with provisions of the program.

Question 10. What steps must be taken during transition from the present system to a national or uniform license program?

Answer. The Transition.—It is necessary to allow those currently operating heavy commercial vehicles to continue to use their present licenses until they expire. Each driver would then be required to apply for renewal under the National Commercial Driver License System. There would be processing of the application in the driver's state, fingerprinting, entering information about the driver in the Central Commercial Driver Information File, a check by the File to determine that the driver does not have a license from another state, and the issuance of the new license.

If an electronic system of fingerprinting and verification of prints is used there will be no delay in processing the renewal. If the transmission of fingerprint information to the Central File is by mail, it will be necessary to allow license applications 60 to 90 days in advance to compensate for the slow transmission of information by mail. As an alternative, a provisional license could be issued for a period of 60 to 90 days.

(a) Grandfathering.—Retesting on the vehicle of currently-licensed drivers is unwarranted because the overwhelming majority of them are doing a good job. Attempting to require retesting of current drivers would overburden the system, impair service to the public at large, result in a breakdown of the program, and provide little or no benefit.

The CHAIRMAN. Our next witness is Mr. David Sweeney, director of the legislative department, International Brotherhood of Teamsters.

Mr. Sweeney, thank you very much for being with us.

STATEMENT OF DAVID A. SWEENEY, DIRECTOR OF THE LEGISLATIVE DEPARTMENT, INTERNATIONAL BROTHERHOOD OF TEAMSTERS, ACCOMPANIED BY SUZANNE KOSSAN, INDUSTRIAL HYGIENIST

Mr. SWEENEY. Senator Danforth and members of the subcommittee, my name is Dave Sweeney. I am legislative director of the International Brotherhood of Teamsters.

I appreciate the opportunity to appear here today on behalf of General President Presser to discuss several provisions of S. 1903, including the national commercial driver's license concept.

Regretfully, R.V. Durham, our safety and health director, cannot be here with us, but I do have Suzanne Kossan from his staff with us.

As you know, the concept of a national uniform commercial driver's license arose out of a concern by you, Mr. Chairman, and members of this subcommittee, and others that certain drivers were spreading out violations over several driver's licenses from various States.

We share this concern with you and join you in seeking a solution to this problem.

While we support the goal of establishing a uniform commercial driver's license, as has been put forth in S. 1903, we would like respectfully to offer some suggestions today as to how we believe this can be best accomplished.

We would suggest that national uniform standards be established, but allow the States to continue issuing the license. This should be a classified license, based on the type of equipment the driver will operate.

A number of States currently have such a system. Such a classification system should cover both interstate and intrastate drivers.

Also, we believe that the licensing system should require drivers to undergo a written test and a road test, the road test being given only upon the initial application for a license or if a driver is upgrading to a larger piece of equipment.

We believe that medical requirements consistent with existing DOT medical qualifications are appropriate and should be enforced by the U.S. Department of Transportation.

Most important, disqualification standards are already in place under the DOT rules and regulations and the various State laws, and should remain with these regulatory agencies.

We believe these regulations and laws are sufficient, if enforced.

Recognition has to be given to the increased exposure on the highways in terms of miles driven by the professional driver in considering any stricter regulations on disqualification. It is not uncommon for the driver to drive 125,000 miles per year, or approximately 10 times the miles driven by the average motorist.

We would now like to turn to the feasibility of a national licensing program and its costs.

In our view, a program such as we describe is feasible and not prohibitive in cost. R.V. Durham, our health and safety director, is on the NDR Advisory Committee, and we know well its merits and support the program. We support a program which would okay a uniform identifier, such as the Social Security number.

As for funding, we believe that funding for the Uniform Licensing Program should be shared by all parties, with drivers paying no more than a reasonable fee, as is currently charged under State licensing programs, which includes a classified license. If added costs are incurred, such as having to increase the parking areas to accommodate the vehicles drivers are being tested with, we would suggest that these costs be absorbed by the Federal Government since the new licensing system is a national program.

The carriers should be required to furnish equipment on which a driver is being tested.

During the transition from the present system to national uniform standards, we believe that grandfathering is necessary. We would suggest that commercial drivers be phased into the new system only as their licenses expire; and, second, would suggest that the emphasis of this new system be placed on the drivers of vehicles over 26,000 pounds, and then phase in those drivers of vehicles over 10,000 pounds.

In our view, this phasein approach would be most workable given the large number of commercial drivers who would eventually come under this national program.

Turning now to other provisions of S. 1903, we offer the following comments.

On the issue of random roadside inspections, we support efforts to increase the frequency of random roadside inspections of equipment and driver, including their iogbooks and medical certificates. We strongly oppose, however, random roadside chemical testing of drivers.

As you know from our previous testimony in February of this year, our organization is quite concerned about the issue of drug and alcohol impairment on the road, and have adopted a nationwide drug and alcohol testing program with our employers covered by the National Master Freight Agreement. Based on our experience with our program, we feel strongly that this issue is best left up to labor and management to resolve.

Also, we feel strongly, as does management, that only probable cause testing and DOT physical testing should be conducted and have made that a key provision of our program.

While speaking on the subject of drug and alcohol impairment, I would like to comment for a moment on the issue of the .04 blood alcohol limit for commercial drivers.

While we do not in any way condone alcohol impairment on the job, we believe the .04 level is unfair to commercial drivers for it subjects them to a double standard as compared to the motorist.

In our view, there should be uniformity between the motorist and the commercial driver when it comes to defining impairment on the road. Also, a .04 level poses some very real problems for the driver in an industry where there is a 2-hour call to work. We would suggest that if serious consideration is being given to this type of provision that we oppose, then the legislation must include language of as 12-hour notice to allow the individual enough time to make sure his blood alcohol level is under the .04 level before reporting to work.

On the issue of authorization for new levels of appropriations for the Motor Carrier Assistance Program, we wholeheartedly support this. We are concerned, however, that creation of a commercial motor vehicle safety fund which uses fines as funding for increased inspections may only serve to encourage State officers to go on a witch hunt to get additional fines.

We would suggest that additional thought be given to this section of the legislation.

In closing, we would like to add a word of concern.

While we support the idea of national uniform standards for commercial drivers, we do believe that these provisions will not be a cure-all for the truck safety program that has grown dramatically since the trucking industry was deregulated.

We are concerned that all of the emphasis is being placed on the driver. We believe that to get at the problem, we must first address the abuses of the shippers and the carriers.

Unfortunately, the shippers under deregulation, which Congress, in its wisdom or whatever seems to think was a great move, are pitting the carriers against each other and the driver is simply an extension of his employer. As a result, the driver is being blamed for many of the problems created by the shipper and/or carrier, such as unreasonable scheduling, which results in a driver being asked to violate hours of service regulations and speed limits.

We sincerely believe and respectfully suggest the best legislative approach is to, one, concentrate on establishing uniform national standards in the area of testing, licensing, and qualifying commercial motor vehicle operators. This would include limiting the driver to one set of licenses to be issued by the State of residence; classified licenses based on different classes of commercial motor vehicles; accelerate and expand, if necessary, the National Driver Registry, to require the necessary exchange of information between the States.

With these limited, but important, changes, we believe we could see a dramatic improvement in the multiple license problem. For the first time, we would have a system that would provide for one license, one record, and a requirement that a driver must be tested to operate the vehicle that he is operating.

The carriers must also be held accountable for their actions, which include requesting or requiring their drivers to violate hours of service limits, pull over loads, drive unsafe equipment, dodge scales, drive at excessive speeds, et cetera; also requesting or requiring their maintenance employees to falsify vehicle condition reports.

Where no collective bargaining agreement exists, the employees do as they are told or they do not work there anymore. In addition, the carriers, including many independent contractors, take the position, "Catch me and I will pay, but I intend to continue doing the same," knowing that the likelihood of being caught is very remote.

Legislation to remedy these problems with the carriers should include a provision requiring the ICC and the DOT to revoke their operating authority for such disregard of highway safety.

If we are to consider limiting the driver to one license, one record, with provisions for disqualification, why not the carrier?

As for the shippers, we need strong economic and punitive sanctions enacted to address the irresponsible shippers and brokers who require carriers and independent contractors to violate weight laws, hours of service limits, and unreasonable delivery schedules. With 30,000-plus trucking companies competing for the freight business, the carriers are being told that if they want the business, they have to meet the shippers requirements. If not, there is another truck waiting for the load.

If we are sincerely interested in attacking the problem, let's work to address the problem on all three fronts, as I have outlined.

To attempt to do it by simply laying additional requirements on the driver will not get at the roots of the problem.

As always, Mr. Chairman, the IBT stands ready to assist you and your committee. On that same subject matter, I simply would say that we have a very, very good relationship with your staff, both majority and minority. In response to Senator Gorton's question, we don't always agree with some of your proposals, but we simply are very, very happy with the response that we do have from your committee folks when we were discussing these matters.

That is all I have, Mr. Chairman.

The **CHAIRMAN**. Thank you very much.

The way it is done today, can a driver get as many licenses as he wants?

Mr. **SWEENEY**. In response to the question, I think Mr. Donohue, in addressing that particular area, was reasonably accurate. He probably cannot get as many driver's licenses or as many permits to drive a truck as we are led to believe; but I think many people do, in fact, have two, three, and four licenses.

The **CHAIRMAN**. Are some States pretty easy to get licenses in?

Mr. **SWEENEY**. Yes, sir.

The **CHAIRMAN**. Is it sort of known in the trade that there are some States where, if you are in trouble with your existing license, you can get it at State X——

Mr. **SWEENEY**. Yes.

The **CHAIRMAN** [continuing]. And that it is pretty easy to get it and pretty hard to lose it?

Mr. **SWEENEY**. That's true, Senator.

I would also say, in addition, that it is also true that in quite a few States, they do not even test the driver's ability to drive the particular piece of equipment that he is being hired to drive.

The **CHAIRMAN**. Buses; for example, school buses.

Mr. **SWEENEY**. Yes.

The **CHAIRMAN**. You propose including intrastate as well as interstate in the same licensing plan.

Mr. **SWEENEY**. Yes, sir.

The **CHAIRMAN**. Why?

Mr. **SWEENEY**. It simply does not make any difference.

If you get run down by a semi it does not make a lot of difference whether he is an interstate or an intrastate carrier. I mean, they basically use the same types of equipment and they are, for all intents and purposes, running up and down the same highways.

The **CHAIRMAN**. Let me just ask you about the blood alcohol point.

You made your point very clearly about the 0.04 blood alcohol level. That is in the bill now. Obviously, when Congress gets to the end of a Congress, we are trying to get things passed.

What is your temperature on the 0.04 blood alcohol matter?

Mr. **SWEENEY**. I would like to yield to Ms. Kossan on that particular question, Senator. She has quite a background in both alcohol and chemical contents. If you would be kind enough to permit her, she will try to respond.

The **CHAIRMAN**. I would be happy to have her response. But my question is not so much technical as to try to take your temperature.

Mr. **SWEENEY**. We are opposed to 0.04, Senator.

The **CHAIRMAN**. Yes, I got that. But there is opposition and then there is opposition.

Mr. **SWEENEY**. Strongly opposed, Senator.

The **CHAIRMAN**. All right, strongly opposed. Your temperature is about 105 on this?

Mr. SWEENEY. I think Ms. Kossan could provide some good reasons for our thinking, if you would be good enough to listen to her reasoning.

The CHAIRMAN. OK.

I would be very happy to hear your reasoning. You had better have some very strong reasons for a 105 degree temperature.

Ms. KOSSAN. Thank you, Mr. Chairman.

As Mr. Sweeney described in the statement, we have a real problem with the double standard issue.

We feel that if 0.04 percent is, indeed, impairment, that standard should be applied to both the motorist and the commercial driver. As Mr. Sweeney described, we also have a very real problem in the truck driving industry, unlike what exists in the railroad industry and the airline industry. This is the practical problem about the call to work business and advance notice.

In the trucking industry, all the trucking industry can really sell is service. So there is a real problem with requiring a driver to be below a 0.04 percent alcohol level when, for example, he maybe has had the day off and he can be called to work within a 2-hour period. He would obviously exceed that level if he has had a couple of beers in that period of time.

I guess that is our technical argument. But, as Mr. Sweeney described it, from a lobbyist's perspective, we have a problem.

The CHAIRMAN. Let me take one at a time.

The first one, I have to say, is not as persuasive as the second. I do not think you want to take the position—though maybe you do—that everybody else is drunk, so why not us.

Ms. KOSSAN. No.

The CHAIRMAN. Maybe we should have a 0.04 for everybody, and that would be fine by me. But the question is somebody is driving something that is—how much does one of these 18 wheel trucks weigh? Is it 26,000 pounds?

Ms. KOSSAN. 80,000 pounds.

The CHAIRMAN. 80,000 pounds.

Well, an 80,000-pound vehicle has how many gears? Is it something like 16 forward gears?

Nobody should drive while impaired, I grant you that.

Ms. KOSSAN. We agree with that.

The CHAIRMAN. But this is a different kind of thing. It is a profession. If we are distinguishing between points on a commercial license and points on an individual license, it does seem to me that a person driving a truck should be as clearheaded as somebody who is driving a train.

Ms. KOSSAN. Yes.

The real problem, as I said, is it is really a practical problem in the industry. It is very unlike other industries in this respect.

The CHAIRMAN. The callback problem.

Ms. KOSSAN. Precisely. It is very unlike the other industries that have the 0.04 percent limit.

The CHAIRMAN. I understand the callback problem.

But is that the real thing, is that the nub of the problem, the callback?

Ms. KOSSAN. Yes, it is the nub of the problem because we can foresee some of our people being discharged or disciplined and getting points on their license for just reporting to work after they have watched a football game and had a couple of beers.

The CHAIRMAN. But other than that practical problem—maybe it cannot be resolved—but other than that practical problem, do you support the concept that people just should not be driving trucks when they have over 0.04 blood alcohol?

Ms. KOSSAN. We support the concept that we would prefer that no one have any alcohol content in their system at all. Of course, we do not condone that.

But, as I said, people have different lifestyles on their time off and that type of thing, and it is hard to take the position of a 0.04 percent when they just have no advance notice in reporting to work.

The CHAIRMAN. How typical is that, that somebody would be called back on a 4-hour notice? Let's suppose somebody's hobby is fishing and they go on a fishing trip. Are they like doctors, just constantly on call?

Ms. KOSSAN. No.

I wish R.V. Durham were here to explain this to you as I am not that well versed in it. It depends on your seniority and there is a callback board and certain names are listed to be on call at certain times and that type of thing.

We might want to respond to that question in writing, and let Mr. Durham respond to that directly.

The CHAIRMAN. Federal regulations already prohibit commercial drivers from consuming alcohol within 4 hours of reporting to duty.

Ms. KOSSAN. That is correct.

The CHAIRMAN. How does this differ from that?

Ms. KOSSAN. That regulation is basically not enforced.

You know, clearly with a 2-hour call, I guess there is a problem with that 4-hour requirement.

Did you want to respond to that?

Mr. SWEENEY. Well, it simply is impractical from an operational standpoint, Senator. The economics in the industry are such that when the carrier gets freight that he has to move, he simply wants those people that are on that board to be subject to that 2-hour call. Probably if you are talking about who they are going to send out, you know, a Roadway, or a Yellow, or a CF, if they are going to dispatch people midnight, Sunday night, they pretty well generally know how much freight they have accumulated over the weekend and they can deal with that. But, if sometime during the week they pick up additional freight, and they have people scheduled for a Tuesday or a Wednesday night dispatch, you might have to go farther down on the board to bring some more people in.

The CHAIRMAN. Is it common that people are called at less than 4 hours notice?

Mr. SWEENEY. I would say that it really depends on the particular carrier. I would say that probably for most of the carriers that we have under contract, the answer would continue to be no.

I would simply say that there are a lot of other marginal carriers out there. You know, it is a problem and it would be a problem.

Our real problem, to be perfectly honest with you, is our next set of negotiations. We already have enough problems with an industry that is plagued by some very difficult problems.

We simply would have to negotiate a 12-hour notice into the collective bargaining agreement.

The **Chairman**. Is that one of your goals for the next round?

Mr. **Sweeney**. If we pass this legislation in its present form. It would be very costly.

The **Chairman**. How about 4 hours?

Mr. **Sweeney**. It would help some.

But, I mean, you are superimposing on the union and the employer some rather stringent requirements that are not currently there.

The **Chairman**. That's right. But you understand the goal. The goal is that somebody who is driving something that weighs 80,000 pounds should be sober.

Mr. **Sweeney**. We agree with the goal, Senator. How we get there is I guess what we disagree upon.

The **Chairman**. Thank you.

Senator Rockefeller.

Senator **Rockefeller**. Mr. Chairman, I would just like to pursue that further.

The chairman has, I think, separated you a little bit, I think usefully, from your statement. Your statement, which I assume is the position of the union, does not say what you have said. It says that we believe the 0.04 level is unfair to commercial drivers because it subjects them to a double standard as compared to the motorist and there should be uniformity between the motorist and the commercial driver when it comes to defining impairment on the road.

Then you say "also," and you refer to the 2-hour matter, where the "also" is in the secondary position.

I would like to know—not now, but, as you indicate, by letter—this. No. 1, do you agree, as you have indicated in conversation with the chairman, that 0.04 percent ought to be the goal? That is No. 1.

No. 2, what percentage of the drivers on the road at any given time are under the 2-hour call process?

No. 3, is there, in fact, therefore, a process or a procedure based upon seniority or other factors for getting people back into driving through a recall method.

If so, that procedure can be anticipated. It's just like a pilot who might have to come back. You can anticipate when you have a process or a procedure. You can build into that procedure abating circumstances for being drunk or having a drug problem.

I would like to get your union's response to those three questions.

[The information referred to follows:]

International Brotherhood of Teamsters,
Chauffeurs, Warehousemen & Helpers of America,
Washington, DC, July 24, 1986.

Hon. John D. Rockefeller IV,
U.S. Senate, Dirksen Senate Office Building,
Washington, DC.

Dear Senator Rockefeller: First, allow me to apologize for not being able to appear before your Committee on July 15, 1986, relative to S. 1903. As Mr. Sweeney explained, I had a conflict in schedule which required me to be in Colorado on the same day. I understand you and Senator Danforth had a few questions which we indicated we would respond to in writing. I have set out below my understanding of the questions and our response:

Question 1. Describe the two-hour call back. How does that work?

Answer. In the Motor Carrier Industry there is no current regulation that allows a driver any set period of time to report. The drivers are subject to call whenever the carrier decides to dispatch a load. Absent a collective bargaining agreement, the drivers are simply called by phone and requested to report. Under most Teamster contracts, we have negotiated a provision that requires a carrier to allow the driver up to two (2) hours to report at his *home terminal.* The purpose of the two (2)-hour report is to allow the driver time to shower and drive to the terminal. At the destination point, after taking his rest, he is only allowed a reasonable period of time to report depending on the location of the hotel. This can be as little as one (1) hour. I have attached a copy of three typical contract provisions which we have in our National Freight Agreement. It should be emphasized practically every road driver in the unionized freight industry is subject to the two (2)-hour report. The only exception is where a bid procedure has been established with a departure time. There are very few bids set up in this manner because the industry is unable to know when the loads will be ready for dispatch. It is one of the major complaints of road drivers, and they describe it as having to "baby-sit" the telephone. For example, a driver may arrive at his home terminal at midnight and go home and sleep eight (8) hours, get up and call the dispatcher at noon. The dispatcher doesn't know, in most cases, when the driver will be called, and will simply tell the driver if he leaves home to call in, for example, at 3 P.M. He quite often will sit by the phone or call in over a period of 24 hours or more. It is not uncommon, where we have a Seniority Dispatch Board, for the junior drivers to standby for several days.

Question 2. Is the four (4)-hour D.O.T. rule followed, or is it often broken? How does that rule relate to the two-hour call?

Answer. I would say most drivers that we represent will not consume alcoholic beverages within four (4) hours of dispatch *if* they have a good idea when they will be dispatched. Unfortunately, as described above, the drivers most often don't know when they will be called. As a result, I'm sure there are instances in which a driver violates the four-hour rule.

Question 3. What percent of drivers fall under the two-hour call?

Answer. As indicated above, practically 100% of the road drivers working for common carriers hauling freight are under the two-hour report. The local P & D drivers, who pick-up and deliver freight in the cities, generally have a workday/workweek in which they have an established starting time.

Question 4. If 10% of the drivers cause 50% of the problems, why should we be grandfathering people in?

Answer. Evidently our position is misunderstood. We only propose to grandfather the existing drivers in for "road testing" only. It doesn't make sense to us to require drivers already operating combination vehicles, such as twin trailers, to have to demonstrate that he can drive a vehicle he has been driving for years. It seems to us this is a waste of resources unless such driver is advancing to a larger type of equipment under the classified system. This wouldn't preclude the driver from being tested in other ways such as vision, written examinations, etc.

Question 5. Do you agree that 0.04% ought to be the goal?

Answer. Our goal should be 0.00%. The current position of the Teamsters Union and the Industry is we don't want a driver reporting to work or driving after consuming alcohol. With the 0.04% in place, we may be implying anything up to 0.04% is okay, and I'm sure none of us want this either. Recognizing this, I think it is a mistake to pass a law or regulation that says 0.04% is per se evidence of intoxication for the following reasons:

a. Suggests or allows anyone to drive under 0.04%, and I believe this sends a wrong signal. Our employer carriers don't even want our members going out on a trip with alcohol on their breath.

b. Although the airlines and railroads have promulgated an 0.04% regulation, I don't believe the evidence or studies show that a driver with an 0.04% is *intoxicated.* If this is the case, we should be applying this standard to all motorists on the highways. It should be noted that in the airline industry the employees on reserve duty and subject to call are only subject to call a certain number of days. In talking with our Airline Division Representative, I understand a typical approach is 10 days on and 10 days off.

c. I don't believe the case has been made to establish a double standard on the highways. On the rail and in the air, there is only one standard. In addition, the catastrophic truck accidents we have witnessed in which alcohol was a factor, the BAC was much higher than 0.04% and, in most cases, excessively higher than the

0.10 limit currently enforced in most states. Plain and simple, we don't want our members driving their truck after drinking; but at the same time, we don't think it appropriate or practical to impose such a low limit as a disqualifying offense. We believe there is a better way to address this subject.

Question 6. If there is a two-hour call procedure, can protections be put into place so that 0.04% is not a problem?

Answer. Although impractical from an operational standpoint, the driver could be given 10 or 12 hours notice, which would minimize the "catch-22" position the driver would be placed in.

RECOMMENDATION

I would respectfully suggest the deletion from the bill any reference to 0.04%, and insert a provision which would address the problem in another way:

a. Expand the 4-hour rule to 8 hours as the period of time a driver is prohibited from consuming alcoholic beverages before dispatch.

b. Include a provision that would prohibit a carrier from disciplining or discharging a driver who advises the carrier, when called for dispatch, he has consumed alcoholic beverages within the preceding eight (8) hours before reporting for dispatch. I believe this approach is better because it doesn't send a signal that anything up to 0.04% is okay, and at the same time, takes the driver out of the "catch-22" position. Most importantly, it doesn't establish a double standard on the highways. I assure you, we are just as anxious as anyone to remove from the highways the intoxicated driver and will work with you and your staff on a reasonable practical solution.

Thank you for the opportunity to submit these additional comments on this important legislation.

Sincerely,

R.V. DURHAM,
Director, Safety and Health Department.

Senator ROCKEFELLER. Fundamentally, the comparison between a 3,000 or 3,500 ton car and a 60,000 or 80,000 ton truck in terms of what can happen is so inequitable that to say that there is a double standard as compared to a motorist, which is your official position here, that there should be a uniformity between the motorist and the commercial driver is, I think, mind-boggling.

Now, you have indicated a somewhat different view in conversation with the Chairman. I would like to get that more officially on the record, if I might, with the answers to those three questions.

My final point is this.

It was earlier suggested to Senator Gorton—Mr. Donohue may be right or wrong—that about 10 percent of the drivers cause about 50 percent of the problems.

Well, let's suppose that they are somewhat close. Why should there be grandfathering during the transition from the present system to the national uniform standard if it affects only 10 percent? Why should there be grandfathering?

Mr. SWEENEY. Senator, I don't have Mr. Donohue's figures in front of me.

I think that anybody who has a remote relationship with the trucking industry can basically throw figures around.

We are simply saying that when we are indicating that drivers should be grandfathered in, if you are currently licensed to drive a truck or a combination of tractor-trailer, or whatever your particular State provides, you should be able to continue to do that.

Now my legislative and governmental experience tends to be in the Western part of the United States, and I am simply telling you that in the State of Washington and in the State of Oregon or in the State of California, there simply are not many unsafe drivers running up and down those highways.

I would take the State of California, their State patrol, the department of motor vehicles, their safety enforcement, and stack it up against any Federal or any other State organization.

I am simply saying that if I am a driver driving for local 85 out of San Franciso, and the State of California says I have a commercial driver's license, when we go to this new program, step 1, I should be permitted to do that.

When I come up for renewal, if I have acquired moving violations or points or any other disqualifying offenses down the line, so be it.

But I am not willing to sit here and agree that 10 percent of the people who belong to our organization, driving for the major motor carriers of the United States of America are bad drivers. I simply refuse to accept that figure.

Senator ROCKEFELLER. That 10 percent, or 5 percent, or 15 percent might during any given driving period incorporate those under the influence of either alcohol or drugs?

Mr. SWEENEY. I simply do not accept the figure.

Senator ROCKEFELLER. Thank you, Mr. Chairman.

The CHAIRMAN. May I ask you this, Ms. Kossan.

On the problem of alchol, this can be tested and has been tested and the tests have been admissible.

Do you have any thoughts about what to do about drugs, not only for commercial drivers, but for anybody else? Is there something that we should be doing that we are not doing with respect to that? Should we be doing research on how to test for it?

Is there anything that you can tell us that would be a step forward?

Ms. KOSSAN. Well, there are presently some testing methods available for drug testing, and, as we mentioned during our testimony in February, we have agreed to a drug testing program within our industry. Agreement was between labor and management on this.

We did adopt some very sophisticated drug testing methods to be used only in the case of probable cause and during physical examinations.

The methods do exist out there, but you have to be very careful. There a lot of very cheap methods that can be used that are very inaccurate.

Under our program, we prescribe some very sophisticated methods that are very expensive—about $100 a test or so.

So we believe that if you want to get into the business of drug testing, we submit that it should be left to labor and management.

The CHAIRMAN. That it should what?

Ms. KOSSAN. That it should be left to labor and management to work these things out.

The CHAIRMAN. I just do not understand that reasoning. I do not understand why highway safety is a labor-management problem.

I mean, that is fine if management and labor want to get together to try to improve safety. I understand that. But it seems to me that highway safety gets beyond labor and management.

Ms. KOSSAN. Well, we are very concerned in the drug testing area because there are a lot of pitfalls in drug testing. We are concerned about protecting the innocent person.

The CHAIRMAN. I understand that. But let's assume that there is a role for Government in trying to assume that people who are impaired because of drugs are not on the highway.

Can you suggest anything that would lead to progress in this area?

Ms. KOSSAN. We would suggest that if the Government is committed to doing this, that they adopt a program similar to ours, which calls for the most sophisticated testing out there, the most accurate, the assures the accuracy and protection that you need for innocent people.

The CHAIRMAN. Thank you both very much.

We now will hear from a panel consisting of Jack Burkert, American Bus Association; Victor Perini, Highway Users Federation; Richard Schweitzer, Private Truck Council of America; Clifford Harvison, National Tank Truck Carriers.

Mr. Burkert, your name is first on the list. Would you like to go first?

STATEMENTS OF JACK BURKERT, VICE PRESIDENT, SAFETY, AMERICAN BUS ASSOCIATION; VICTOR J. PERINI, GENERAL COUNSEL, HIGHWAY USERS FEDERATION; RICHARD P. SCHWEITZER, LEGISLATIVE COUNSEL, PRIVATE TRUCK COUNCIL OF AMERICA, INC.; AND CLIFFORD J. HARVISON, PRESIDENT, NATIONAL TANK TRUCK CARRIERS

Mr. BURKERT. Mr. Chairman, thank you. I appreciate the opportunity to be here today. We have submitted written testimony for the record and I will be brief with my additional comments.

The American Bus Association has taken a very active role in the several forums dealing currently with the driver licensing issue and have supported the efforts of the Highway Users Federation, private sector initiatives of a company called DAC Systems, and a coalition of groups here in Washington called AMVAT. [The Alliance for Motor Vehicle Administrators Telecommunications Network].

We heartily endorse the intent of this legislation. I believe that our thoughts as outlined in the testimony are generally in line with the proposals that we have seen to date.

To briefly summarize ABA's position on the National drivers' license proposal, multiple licensing is a dangerous practice and permits unqualified commercial motor vehicle drivers to operate on the Nation's highways. A uniform commercial drivers' license program administered by the States is probably the most cost effective way to proceed, but all States must participate in the program for it to work.

The U.S. Department of Transportation should establish the basic driver qualifications for a classified license system. The States should examine and test applicants domiciled in that State and keep the license fee. There must be a universal identifier for each uniform license. The National Driver Register would be the ideal repository of driver information of the unique identifier only however, not the record itself. The issuing State would provide only a limited temporary certificate, allowing time for clearance with the NDR on verification of the license.

Specific and substantial civil forfeiture of penalties should be established for attempts to obtain a second uniform license. This then, is basically our program. I believe that in the drafts that we have seen to date, These points are in the bill.

I have attached to the written testimony an example of he multiple licensing problem which one of our member companies from Phoenix, AZ, was fortunate enough to, by a little intuition, discover. Basically what we have here is a prime example of the problem in that the driver avowed an Arkansas driver's license and when we sent for the record we got back no traffic violation record whatsoever.

A little intuition later, we found out that the driver had an Arizona license which is three pages long, including driving under the influence and suspended licenses.

This is the exact kind of problem that makes it virtually impossible for a company to deal with the situation as it exists in this crazy quilt work I think Mr. Donohue mentioned, and I would second that motion. We believe that action must be taken to eliminate this sort of thing.

Just in summary, a couple more points over and above the licensing issue. We believe that on the blood alcohol issue, the American Bus Association feels very strongly that the only acceptable alcohol level in the bloodstream for a commercial vehicle driver is 000. We believe that what we are attempting to do here, through this legislation and other legislation, is to build a separate standard of care for motor vehicle commercial drivers.

In the process of building that separate standard of care, we believe that alcohol and drugs are issues involved and we believe that we should uphold the highest standard of care, particularly given our human cargo.

The CHAIRMAN. You believe it should be a separate standard?

Mr. BURKERT. We believe it should be a separate standard of care for commercial drivers and we believe that the only acceptable alcohol level is zero.

Finally, of course, like I think everyone else has said today, we support an increased authorization for the Motor Carrier Safety Assistance Program and we believe that the enforcement mechanism that we continue to call for is finally getting into place through the MCSAP and this is one of the healthiest things that we have seen on the horizon.

Thank you.

[The statement follows:]

STATEMENT OF JACK BURKERT, SPECIAL REPRESENATIVE, SAFETY POLICY, AMERICAN BUS ASSOCIATION

I appreciate the opportunity to be here today to discuss S. 1903, the "Commercial Motor Vehicle Safety Act of 1985", with emphasis on the proposal to create a national commercial motor vehicle operator's license. ABA has taken an active role in the several forums currently debating this issue and has supported efforts of the Highway Users Federation, the private sector initiatives of a company called DAC systems, and the coalition of groups forming AMVAT, the Alliance for Motor Vehicle Administrators Telecommunications Network.

I would like to briefly summarize ABA's position on the national driver's license proposal and then respond in greater detail to the issues specifically raised by the Committee in preparation for the hearing. ABA's basic view on the national driver's license are as follows:

1. The multiple licensing of dangerous or unqualified commercial motor vehicle drivers is a distinct national problem that requires a Federal legislative solution.
2. A uniform commercial driver's license program administered by the states is probably the most cost effective way to proceed to solve the problem, but all states must participate in the program for it to work.
3. The U.S. Department of Transportation should establish the basic driver qualifications for a classified uniform license.
4. The states would examine and test applicants domiciled in that state and keep the license fee. Each state would maintain a single driver record for all domiciliaries of that state who have a uniform license.
5. There must be a "universal identifier" for each uniform license. This probably would be fingerprints, which are the most cost effective method of positive identification.
6. The National Driver Register would be the repository of the fingerprint information. The states would submit new fingerprints to NDR for screening. Based on fingerprint matching, if an individual has a National Driver's License from one state already on file, an application from that individual seeking a license from another state would automatically be identified and rejected.
7. The issuing state would provide only a limited temporary certificate pending clearance with NDR on the verification of a single license.
8. Specific and substantial civil forfeiture penalties should be established for attempts to obtain a second uniform driver license.

Turning now to a more detailed discussion of the questions raised by the Committee, we believe that the establishment of a uniform commercial driver's licensing system would make a substantial contribution to the promotion of highway safety. Although the problem admittedly has not been quantified in any detailed study, we believe that many problem drivers in the commercial transportation industry avail themselves of the option of getting two or more driver's licenses so that violations can be spread around and bad driving records concealed.

Under the present system, there simply is not adequate cross referencing to prevent the issuance of licenses to unqualified drivers. Moreover, the average bus or truck company simply does not have the resources to check for the possibility of multiple driver's licenses for every driver applicant.

A typical example of the problem was recently sent to us by a company in Arizona, which had hired a driver with an Arkansas license, which they checked and found had a completely clean record. In this case, the carrier also checked with Arizona records and ascertained that the driver had been convicted of 2 Driving While Intoxicated violations in less than a year, and his license had been suspended. This particular incident was caught because the carrier ran a home state check, but we are convinced that the number of cases that go undetected are far greater than those that are discovered.

The establishment of a uniform commercial driver's license system would also promote highway safety by creating minimum standards for a classified license that would have to be achieved by all commercial operators. Standards now vary widely, and in at least some states, are not sufficient to qualify a driver to operate a large truck or bus.

The goals of a commercial driver's licensing system should be to solve the two problems described above. We believe this can best be accomplished by a uniform licensing system conducted by the states. However, it is absolutely critical that all states participate in the system; we cannot afford any loopholes. Obviously, if some states do not participate, the goals of establishing minimum qualifications and eliminating multiple licenses cannot be achieved. Thus there must be a mechanism that triggers Federal preemption in those states that do not join the system voluntarily.

Focusing on the standards involved in a licensing program, certainly the program should provide for basic classification of licenses by type, size and weight of vehicle. Also, minimum standards for road testing should be promulgated and applied in every case. Written tests may also be appropriate, but not as a substitute for road testing.

With regard to medical requirements and disqualification standards, there are already substantial regulations promulgated by the DOT's Bureau of Motor Carrier Safety. It may be appropriate simply to apply these standards to all holders of a uniform commercial driver's license. Finally, training is not part of the process of skill verification, so we do not believe that it should be included in the license requirements.

With regard to the methods for insuring that no commercial driver has more than one license, we believe that the most cost effective approach would be to make the

National Driver Register a clearing house for basic information, which would be gathered and forwarded to the NDR by the states. Each state would be responsible for the applicant examination and would keep the appropriate license fee. The state also would be responsible for maintaining the full driver record, forwarding only the necessary critical information to the NDR.

The only information that would need to be stored in the NDR is the, name, state of licensing and positive identifier for each recipient of a uniform license.

The system could be quite simple. When an application is received, the receiving states makes an inquiry to the NDR for a computer cross check of the positive identifier. If the check reveals a duplication, the inquiring state would deny the application. Also, the state in which the applicant presently holds a uniform license must be notified so that the license in that state can be revoked. The state receiving the application would have to be responsible for imposing any required civil penalties since that state is most likely to have personal jurisdiction over the applicant.

The communications system could be either electronic or written, but given the amount of information involved, it may be more cost effective to go with a "hand" system. ABA suggests that the program be phased in over a four year period. Thus, assuming there are two million interstate drivers, this would mean roughly 500,000 applications per year in the start up phase. Assuming 250 working days and three information items on each application (name, state and positive indentifier), there would be 6,000 pieces of information per day to enter into the system. This does not appear to be an overwhelming number for a program of this size.

Since we are proposing modifying an existing system, we do not believe that the start up costs would be exorbitant and we suggest that they could be covered by user fees. We do not know the precise start up costs, but we doubt seriously that they would exceed $20 million. Thus if each interstate driver were assessed a $10 charge above the normal state licensing fee, the start up costs of the program should be covered. Then with regard to the ongoing expenses of the system, there should be a schedule of "system inquiry" fees imposed on the states and/or applicants sufficient to cover the ongoing program operating expenses.

Finally, with regard to the phase in of the program, ABA suggests that perhaps a two year period is necessary to set the system in place. The Secretary of Transportation would have to promulgate the necessary regulations and the states would need time to prepare for the implementation of the system. Then, we would suggest a four year phase in program for driver applicants to apply for and receive their uniform licenses. We strongly oppose grandfathering drivers into the program. This would defeat the purpose of the program both with regard to multiple licensing and minimum driver qualifications.

Now we would like to briefly address the other issues raised by S. 1903. First, we support the establishment of a Commercial Motor Vehicle Safety Fund into which all safety related penalties and fines would be paid. However, we do not support the establishment of an incentive grant program for roadside random inspections to be paid for out of the Commerical Motor Vehicle Safety Fund.

Our basic reason for not supporting this program is that it is duplicative of the functions that should be carried out under the Motor Carrier Safety Assistance Programs (MCSAP). Also, there are several items of concern in the proposed random inspection program. First, we do not believe that it is appropriate to focus on a minimum blood alcohol concentration of .10 percent. Present BMCA regulations prohibit a driver from drinking intoxicating beverages within four hours prior to operating a commercial motor vehicle and obviously prohibit drinking while driving. We do not believe that there should be a statutory standard which implies that any level of blood alcohol concentration is permissible for a driver of a bus or a hazardous material truck or for that matter any commercial motor vehicle.

Furthermore, we do not believe that there is any existing reliable test that can be administered roadside to determine whether an operator is under the influence of a controlled substance. BMCS is now addressing the subject of mandatory drug testing in rulemaking, and it would be appropriate to await the outcome of that rulemaking before considering further legislation.

Finally, we support increased authorization for MCSAP. MCSAP has in less than three years provided means for many states to become active and effective participants in the effort to regulate commercial motor vehicle safety. However, given the importance of this subject to all, greater funding is needed to bring all states in as full partners in this program.

Mr. Chairman, thank you for considering our opinion in this matter. I would be happy to answer any questions you or other members of the committee may have.

The CHAIRMAN. Thank you, sir.

Mr. Perini.

Mr. **Perini**. Good morning, Mr. Chairman. My name is Victor Perini. I am the general counsel for the Highway Users Federation and this morning I am appearing on behalf of our president, Lester Lamm, who regrets he is unable to be here because of a conflict in his schedule.

Let me start by saying that there is a lot of progress taking place in the motor carrier safety area at the Federal level. The 1984 Motor Carrier Safety Act; the Department of Transportation is reviewing and issuing motor carrier safety regulations and, of course, the Motor Carrier Safety Assistance Program.

All of these are starting to show that the Federal Government is working successfully and moving forward. We also support the funding for the Motor Carrier Safety Assistance Program at the $50 million level and we would urge that reauthorization of the program be done before October 1.

But in our judgment, this does not go far enough in establishing national standards for licensing commercial motor vehicle operators. As has been said many times before, I think national uniformity among the States, with every State doing its own first-class job of testing and licensing these operators is essential. I do not think there is any sense in having 19 States not even checking to determine whether a driver is capable of operating a large commercial vehicle.

The Federation and the American Trucking Association have cosponsored a series of workshops which have been alluded to this morning. I would like to point out that about 150 participants attended these meetings and they represented a rather broad range of concerned parties. In the final analysis where we are trying to develop legislation, it is important to have broad consensus because that becomes the basis for support for legislative effort.

The insurance industry was represented, trucking companies, motor vehicle administrators, commercial bus interests, the Teamsters, individual owners and operators of commercial vehicles and involved governmental agencies. And they reached a consensus on four major points. They are detailed in my prepared statement, which has been submitted for the record, but let me just touch on them briefly.

I think there is no question that national standards should be developed to achieve national uniformity in how these operators are licensed. Standards ought to be put into place in a very timely fashion. About 21 years ago when I came to Washington, I was involved in a safety needs study for the State of Minnesota. At that time we recommended that the State of Minnesota establish a classified driver's license system. Classified licensing isn't new but there seems to be fresh interest and incentive to get a uniform system adopted nationally. I would hope we can develop the momentum and get the job done.

I am not going to comment on most of the key elements that should be contained within the national standards. Other witnesses have talked about them. Essentially, we think that the system should ably to operators of commercial motor vehicles over 26,000 pounds gross vehicle weight. One license issued by the State of residence, a single driver record, a classified license system, are all points of consensus with this group.

There was also agreement that the increased State user fees could help fund the licensing program, with some additional help from section 402.

Finally, there was agreement that withholding of Highway Trust Funds should not be used as a means of obtaining State implementation.

Some of the proposals that received substantial support among the workshop participants include a central file for identification, covering both interstate and intrastate driver; Motor Carrier Safety Assistance Program funds should be available to States to help implement these standards; and finally a working group with board range of public and private sector spokesmen, similar to the workshop attendance, should be set up to assist the Secretary in developing the national licensing standards.

Mr. Chairman, that in essence is the consensus that was reached by this group. The Federation wishes to submit for the record our agreement with and support for these proposals.

[The statement follows:]

STATEMENT OF LESTER P. LAMM, PRESIDENT, HIGHWAY USERS FEDERATION FOR SAFETY AND MOBILITY

Mr. Chairman and members of the Committee, it is a distinct pleasure for me to appear before you today on behalf of the Highway User's Federation to address important issues concerning motor carrier safety.

The Highway Users Federation is a national coalition of business, industries and associations working to make America's highway transportation system safer and more efficient. Our 400 plus companies and business associations cut across 27 industrial and commercial categories, and are chief users of highways and the main providers of highway transportation products and services with affiliated highway user groups in every state. The federation is the largest, most diversified organization of its kind in the nation. Our membership includes organizations and associations which manufacture and operate commercial motor vehicles. The Federation has an active, on-going interest in the safe operation of these vehicles.

Truck safety has become a significant issue in the public mind. Wide media interest is generating concern among motorists, which in turn has generated political interest in the issue. Truckingcompanies and their associations have intensified their concern and efforts to improve the safety record of commercial trucking.

Similarly, the commercial bus industry is devoting considerable energy and resources to improved bus operation and safety. Many things can and are being done to improve truck and bus safety.

However, the public's concern will not abate until effective, uniform programs are under way throughout the United States. Such programs as certified driver training, licensing and qualification; consistently good maintenance practices; carrier and shipper policies which comply with time/distance regulations; and on-road vehicle inspection and enforcement programs which consistently and uniformly detect unsafe vehicles and drivers, all have a place in improving commercial vehicle safety.

We commend Secretary of Transportation Dole and her staff for the expeditious manner in which they ae pursuing the reissuance of the Federal Motor Carrier Safety Regulations (FMCSR) as required by the 1984 Motor Carrier Safety Act. The minimum standards which all state and local motor carrier safety laws and regulations will be required to meet, will do much to improve commercial vehicle safety.

Similarly the Department is moving vigorously, in cooperation with the Commercial Motor Vehicle Safety Regulatory Review Panel, to review all State Commercial Motor Vehicle Safety Laws and Regulations to determine compatibility with federal regulations to enhance national uniformity.

The Motor Carrier Safety Assistance Program (MCSAP) can be an outstanding example of Federal/State cooperation to identify unsafe vehicles and non-complying drivers. The program started off in a successful manner and we at the Federation support full funding of the MCSAP program at $50 million dollars. MCSAP funding and state adoption of, and participation in, the Commercial Vehicle Safety Alliance inspection guidelines will move us into a nationally uniform on-road vehicle-driver inspection program. We strongly encourage your committee to support a four-year reauthorization of the MCSAP funding, as well as a four-year reauthorization of the 402 Highway Safety Grant Program by October 1, 1986, thereby enabling the states to implement their improved safety programs.

We at the Federation have been pleased to be working alongside other organizations and associations that also are involved in motor carrier safety. In early December we and the American Trucking Associations co-sponsored a one day workshop of knoweldgable individuals in order to identify those priority areas which needed attention to improve commercial vehicle safety. Nine areas were identified, several of which are of particular interest to this Committee:

1. Single license. A single, nationally uniform classified commercial driver's license, based on tests using the type of equipment to be driven.
2. Driver records. An effective, uniform, nationwide driver record system for checking driver history.
3. Law compliance. Increased observance of all safety-related laws by everyone in truck and bus transportation, including carriers, shippers, agents, drivers, supervisors, managers and service personnel. Such laws include those covering substance abuse, seat belt use, hours of service and speed compliance.
4. Inspections. Improved and increased on-road inspections of vehicle safety features and driver condition, as well as uniform penalties for violations of all carriers.
5. Driver qualifications. Upgraded qualifications for new and current truck and bus drivers through improved screening, training and management.
6. Driver awareness. Better education of both motorists and commercial vehicle drivers on the key safety problems involved with sharing the roads during today's increasing traffic congestion and intensive highway construction.
7. Hazardous Materials. More consistent and uniform regulations for driver training on hazardous material handling, routing, and uniform practices for emergency response. More education and training for compliance, enforcement and emergency response personnel.
8. Vehicles. Improved brake compatibility on trucks and trailers, better programs to acquaint personnel with brake compatibility issues, a higher priority for maintenance of safety equipment and clear identification of vehicles on the road.
9. Data. Better information on accident causation, traffic exposure and chronic violations.

Because of the importance of the qualification and competence of the commercial motor vehicle operator in highway safety (85-90% of crashes are driver error), on January 23, 1986 we co-sponsored with the American Association of Motor Vehicle Administrators a one day forum to address the issue of commercial motor vehicle operator licensing, with particular emphasis on the need for a nationally uniform Classified Licensing System and uniform participation by all states in the Driver License Compact.

We were all gratified that 150 individuals representing the Federal government, State government, the trucking and bus industries, safety experts, congressional staff, and broad representation from the private sector attended this forum.

A consensus developed during this one day forum on the need to move to nationally uniform procedures for the licensing of commercial motor vehicle operators. The focus was on the need to develop national standards for qualification and licensing of commercial motor vehicle operators (Interstate and Intrastate) and for the exchange of driver record information. The standards developed should be national in scope, and be developed by state, federal, and private sector representatives working with the federal, and private sector representatives working with the existing Classified Driver Licensing System and the Driver License Compact as basic tools. However, we feel that these basic tools need upgraded to provide classifications for hazardous materials drivers and for combination trailer drivers.

It was also felt that Federal legislation would be required to initiate the development of national standards, and to bolster state implementation of these standards. The legislation we envision would require that the Department of Transportation promulgate national standards through the rule making process. States would then be required to implement these standards which would deal with the testing and licensing of commercial vehicle drivers. The legislation should be the foundation for a nationally uniform licensing system administered by the states. It would not be a federal license nor would the federal courts be involved.

It was very clear at the Forum that as a nation we can no longer tolerate a system that permits 20 states to licence a driver of an 18 wheeler who only need pass a written test and drive a compact car through a test course. We have to have means to assure that an individual is qualified to operate the vehicle he or she is driving. Also, we need a system that provides for *only* one license for each individual to curb drivers who otherwise might spread violations among several licenses.

The Federation and ATA co-sponsored another 1½ day workshop on commercial vehicle safety on March 26 & 27, 1986. A principal focus of this workshop was on the requirements of a nationally uniform licensing procedure. Copies of the report of the workshop have been provided to your staff. However, I'd like to highlight the positions taken:

The participants of the Motor Carrier Safety Workshop reached a consensus on the following issues during the discussion on Driver Licensing and Records System.

1. There is a need for national uniformity in the issuance of drivers licenses for commercial motor vehicle operators. National Standards should be developed to meet this need.

2. The National Standards must be developed and implemented in a timely manner.

3. The Secretary of Transportation should be empowered by the Congress to promulgate, within 6 months, National Standards for Commercial Motor Vehicle Operators. The Standards shall include, but not be limited to:

a. A definition of "Commercial Motor Vehicle Operator" as applicable to vehicles weighing over 26,000 GVW.

b. One license issued only by the state of residence of each commercial motor vehicle operator. Each state shall fully recognize the license issued by the state of residence.

c. A single driver record for each commercial motor vehicle operator maintained by the state of license issuance.

d. Exchange of commercial motor vehicle operator records from one state to another, when state of residence is changed.

e. Information to be included on commercial motor vehicle operator driver records.

f. Classified Licensing System based on weight and type of truck or bus to be operated.

g. Testing of commercial motor vehicle operators in the type of vehicle they intend to drive.

h. A requirement that prior to issuing a Commercial Motor Vehicle Operators License the state of issuance must determine if the operator holds a Commercial Motor Vehicle Operators License in another jurisdiction.

i. Such other matters as the Secretary deems appropriate, including estimates of cost to implement the recommended National Standards, and possible funding sources.

4. Funding needs of the states to implement the National Standards should be met in part through increased user fees at the state level, and by authorizing Highway Safety Grants under Section 402(C) of P.L. 89-564. Highway Trust Fund sanctions should not be used as a tool to ensure state implementation of the National Standards.

Also, there was substantial support for the following:

1. A central file is required to enable the states to verify that a Commercial Motor Vehicle Operator does not have more than one Commercial Motor Vehicle Operators License, prior to the issuance of a license.

2. The National Commercial Motor Vehicle Operators Licensing Standards should apply to all interstate and intrastate commercial motor vehicle operators over 26,000 GVW. Half of commercial motor vehicles related fatalities involve intra-state carriers.

3. To implement the National Standards, states should also be eligible for grants under the Motor Carrier Safety Assistance Program.

4. A working group representing state motor vehicle administrators, the commercial truck and bus industries, organizations representing commercial motor vehicle operators, the casualty insurance industry, and organizations representing users of public highways, should be established to assist the Secretary of Transportation to develop the National Licensing Standards for Commercial Motor Vehicle Operators.

It has been evident that we are nearing a broad consensus on what needs to be done now to improve the licensure of commercial motor vehicle operators. On the 26th of June, day after tomorrow, we and the ATA are cosponsoring another workshop to address this issue and to assess progress.

This hearing and the introduction of S. 1903 served as catalyst to bring all groups together to arrive at compatible positions. For that we thank you Mr. Chairman.

We at the federation believe the central piece of federal legislation needed now deals with National Uniform Licensing Standards, and we look forward to working with the Congress to craft the most effective legislation.

I'd be pleased to answer any questions.

QUESTIONS OF THE COMMITTEE AND THE ANSWERS

Question. To what extent will the establishment of a national or uniform commercial driver licensing system promote highway safety?

Answer. Current data shows that the primary cause of commercial vehicle crashes are related to driver error, rather than vehicle defects. Therefore, most industry and safety organizations believe that the best way to improve commercial motor vehicle safety is to establish a system to uniformly test and qualify commercial motor vehicle operators, and a system which is capable of identifying erring operators for improvement or removal purposes. The establishment of a single license for each commercial motor vehicle operator and a requirement that *all* states transmit convictions of violations to the state of licensure, will preclude unsafe drivers from spreading points over several licenses, thereby avoiding remedial actions. Such a system would permit safe drivers to be identified by carriers and insurance companies, which in the long run would benefit the economic and safety records of commercial motor carriers.

Question. What should be the goals of the commercial drivers licensing system?

a. Will these goals be best accomplished by a national license issued by the Department of Transportation or a uniform license issued by the states?

Answer. The goals of a National Commercial Driver Licensing system should be: (1) To establish a uniform and adequate system for testing and qualifyng commercial motor vehicle drivers; (2) To assure that each commercial driver has only one motor vehicle operators license; (3) To establish a system through which the state of licensure has prompt and accurate information of a driver's violations in all other states; and (4) To establish uniform and equitable criteria upon which offending commercial motor vehicle drivers are identified for driver improvement action or disqualification. These goals can best be accomplished by state compliance with the national standards issued by the Department of Transportation.

Question. What standards should a licensing program provide for:

a. Classification of licenses?
b. Written testing?
c. Road testing?
d. Medical requirements?
e. Training?
f. Disqualification?
g. To what extent can these standards be based on the Drivers License Compact, state classified licensing systems or existing Department of Transportation regulations?

Answer. The National Standards on Commercial Motor Vehicle Driver Licensing which should be promulgated by the Secretary of Transportation should address:

All vehicles over 26,000 GVW, and should be classified based upon the weight and configuration of the vehicle.

Written as well as in-vehicle testing based on the class license being applied for.

Current medical certificate as called for by BMCS regulations.

One license issued only by the state of residence for each commercial motor vehicle operator. Each state shall fully recognize the license issued by the state of record.

A single driver record for each commercial motor vehicle operator maintained by the state of license issuance.

A requirement that prior to issuing a commercial motor vehicle operators license the state of issuance must determine if the operator holds another license in another jurisdiction.

A central file to enable states to verify that a commercial motor vehicle operator does not have more than one license.

Disqualification requirements should also be stipulated, however at this time those criteria require additional consideration.

Ultimately the national standards should stipulate training requirements that must be met prior to qualification. However, it is premature at this time to stipulate that criterion. Accreditation of curricula and training institutions must first be accomplished, But within 2-5 years the national standards should include training qualifications for commercial motor vehicle operators.

The existing Driver's License Compact and the Classified Licensing System advocated by the American Association of Motor Vehicle Administrators can serve as a starting point for the development of national standards.

Question. What are the most feasible and cost effective methods for ensuring that no commercial driver has more than one license?

a. If a central file is created for this purpose, what sort of information should it include?

1. Commercial *and* noncommercial record information?
2. Is some type of unique identifier necessary?

b. What should the central file's relationship be to the existing National Driver Register (NDR)?

Answer. The creation of a National Index of all commercial motor vehicle operators would be the most effective method to ensure that commercial motor vehicle drivers only have one license. This index would contain only identifying information on the individual operator, not information on his or her driving history. This latter information would be maintained by the state of license issuance. To do otherwise would be redundant and not cost effective. The identifying information may need to be augmented by a unique identifier, i.e., finger print or retinal image, but it is estimated that current identifying information will provide a 98% reliability factor.

Each state issuing a commercial motor vehicle operators license would be required to check this central file prior to the issuance of the license to assure that the individual does not have another license. Once the license is issued the state of issuance will submit the individuals indentifying information to the central file. To establish the file all states would be required to submit the names and identifying information of currently licensed commercial motor vehicle operators. This file would be distinctly different from the existing National Driver Register (NDR). The NDR is a file of violators, who have met defined criteria, the central index file would contain identifying information on individuals authorized by the state to operate commercial motor vehicles. An individual in the central index could end up on the NDR if they were disqualified and/or were convicted of a qualifying offense.

Question. What are the most feasible and cost effective methods for creating a single driving record for commercial drivers and facilitating exchange of information contained in that record?

a. Describe the relationship of your proposal to the NDR.

Answer. Initially, the central index file could economically be operated as a service to the states, motor carriers and the insurance industry by a private sector organization or the Department of Transportation. An inquiry service charge could be established which would support operation of the automated system. There would be no direct relationship to the NDR, although the inquiry could also be routed to the NDR if the Department of Transportation operated the central index file. The central index file is a critical component of the overall system, because it serves as the verifier and locator of the single licensee. Ultimately, the central file or designation of a central file could be maintained within a Motor Vehicle Administrators Telecommunications Network. This Network would facilitate on-line communication among and between all of the state motor vehicle administrations. Such an on-line communication network is critical to the long-term impact of the one license/one record concept.

Estimate the cost that would be associated with each aspect of an effective national or uniform commercial vehicle drivers licensing program.

Answer. It is extremely difficult to estimate the cost to implement the recommended National Standards at the State level. Currently, 31 states have a Classified Drivers License System, albeit they are not uniform. What the new standard would exactly look like would be conjecture at this point. Obviously it would not cost as much for these 31 states as it would for the 20 states that do not have a classified licensing system. However, in either case, the cost of the invehicle test should be borne by the applicant. Additionally, the costs of records could be supported by inquiry fees being charged to employers, insurance companies and other states. Administrative costs should be relatively stable in relation to other license applications therefore estimates of costs on a state-by-state basis should not be difficult to develop.

The costs to create a central index file on existing computer equipment, again should not cost large sums. As previously indicated a service charge for each state inquiry could cover operational costs.

The apparently large unknown cost factor relates to the implementation of a Motor Vehicle Administrators Telecommunications Network which would provide for online hookup to the central index file and between state files. The American Association of Motor Vehicle Administrators is currently in the initial stages of conducting a feasibility study on this issue and it is premature to estimate implementation costs.

Question. Indicate sources of funding for those costs including state sources, Federal Government sources, industry sources, and the individual driver.

a. To that extent should each source bear these costs?

Answer. We do not see the need for new authorizations of federal funds to assist the states in implementing improved licensing standards for commercial motor vehicle operators licensing. The Highway Safety Act of 1966 recognized driver licensing as a key factor and one of the first standards issued in 1967. Driver Licensing—called for a classified license system. Therefore, we believe 402 funds authorized for state and community highway safety programs should be eligible for state start-up funding. Similarly, with $50 million being requested for MCSAP we believe the states should have the option of applying some of these funds for start-up costs.

Question. Who should be covered by the national or uniform commercial license program?

a. Interstate and intrastate drivers?

b. Drivers of vehicles with a gross weight of 10,000 pounds and above? 26,000 pounds and above?

c. Estimate the number of drivers that the program would include if your suggested coverage was adopted.

Answer. The National Standards on Commercial Motor Vehicle Operators Licensing should cover both Interstate and Intrastate drivers. The problem related to commercial motor vehicle operation is not limited to interstate or intrastate. Half of the almost 5,000 fatalities resulting from commercial vehicle crashes in 1984 are attributable to intrastate operators. So to focus on only the interstate driver is only attacking half of the problem. Additionally how could a state motor vehicle administrator confirm that a driver only drives intrastate, or what would preclude an interstate driver from getting an intrastate license in every state he or she travels through.

It is recommended that the national standards apply to operators of vehicles of 26,000 GVW, because this is a clear break in vehicle configuration, complexity and skill requirements. Most vehicles between 10,000 & 26,000 GVW do not make demands on the driver as those over 26,000 GVW. Also, the crash history of these vehicles demonstrates that their severity is no where near heavy commercial vehicles.

We estimate that approximately 2.5–3.0 million Interstate and Intrastate commercial motor vehicle operators would be covered by the Nation Standards.

Question. What is the most effective way of ensuring participation by all states in a national or uniform commercial license program?

Answer. First, is the clear statement of the Congress and the Adminstration that the issue is a National priority. Second, is the development and promulgation of a National Standard with state participation. Third, is a clear message to the states by the Congress that if action is not taken injunctive relief may take place. We don't think the threat of highway trust fund sanctioning is the way to go. It has been used too frequently as a threat and still we see problems in other areas, ie, 55 MPH and 21 year drinking age.

Question. What steps must be taken during transition from the present system to a national or uniform license program?

a. Is grandfathering necessary?

Answer. We believe current commercial vehicle operators should be grandfathered regarding the in-vehicle test. However, at renewal time they should be required to meet all other requirements. Also, all current individual operators must be entered into the central index file. The central index file would then be required to perform a search to determine if there are individuals with more than one license. Only then would the state issue an endorsement on a current commercial motor vehicle operators license certifying he or she is grandfathered under the new National Standards.

The CHAIRMAN. Thank you, sir.

Mr. Schweitzer.

Mr. SCHWEITZER. Good morning, Mr. Chairman.

Over the past 6 years, truck-related fatalities that have been reported to the Bureau of Motor Carrier Safety have actually declined 13 percent and reported injuries in that same time period have gone down 10 percent. This was all in an era where truck mileage has increased substantially and the preliminary 1985 fatalities and injuries data both are lower than the comparable 1984 data.

I think this data does indicate that there has been some progress in the area of motor carrier safety, but I would certainly agree that more needs to be accomplished. And we are talking about some very fundamental problems in the licensing and qualifications of motor carrier drivers.

The majority of accidents involve driver error. There have been a number of studies that indicate that upwards of 90 percent of the accidents involve driver error, so I do think that the driver is the logical point of focus for our efforts.

In the licensing area, carriers essentially need a commercial driver's license that they can rely on as some assurance that the driver holds just a basic level of competence and professional skill and that he has not exceeded the maximum number of violations so as to lose this license privilege. We really do not have a system like that now.

You have heard it said repeatedly this morning that you can get a truck driver's license in at least 19 States by taking the test in a car, and that there is no Federal or State prohibition of multiple licenses. You have also heard it said that upwards of 30 percent of the drivers hold more than one license, and I submit that there is no reason to hold more than one license, except to spread your violations and to escape detection.

Because the State license for the most part does not give any assurance about the driver's skill or his violations history, the Federal Government has set up a duplicate system of Federal driver qualification standards in part 391 of the Federal Motor Carrier Safety regulations, but unfortunately the Federal Government has not been able to properly enforce these rules due to the lack of funding and enforcement personnel.

What we believe is necessary is a Federal/State partnership that balances the historical State involvement and the experience in driver licensing with the Federal need for upgraded and uniform licensing standards. Now, this type of partnership was begun in the Motor Carrier Safety Assistance Program. It was carried through in the Motor Carrier Safety Act, and I believe it is time now to take it here into the licensing area.

After all of the substantial discussion that interested parties and the committee staff have had on S. 1903, I think it is clear now that the States are better equipped to test and license drivers than the U.S. Department of Transportation, but I think it is equally clear that a Federal mandate requiring uniform specific testing and licensing standards and procedures is also necessary.

I, too, would like to commend you, Mr. Chairman, for your part in this effort. I believe that your bill has served to spur on this comprehensive examination of how the Government and industry train, license, and qualify drivers, and I am optimistic that we are going to make some further progress.

The Private Truck Council has participated in the series of workshops that Mr. Perini and others have referenced. I believe most of the participants in those workshops are witnesses at today's hearings.

We have developed a consensus agenda for commercial drivers' licenses and records and I do not want to go through all of the consensus that Mr. Perini just mentioned. But a few point do bear mentioning. One is that the licensing requirements be applicable to vehicles over 26,000 pounds. That would bring in about 3 million professional drivers. I think that at that cutoff level, you are talking about a fairly articulable difference in operating characeristics between different types of vehicles, and I do think that that will give you a workable number of drivers for a classified licensing system.

A fundamental problem is that there be a requirement that a driver only hold one license and that it be issued by a State of residence and that that State be required to have a single and complete driving record for each driver that it licenses.

One of the other fundamental requirements is that prior to issuing a commercial driver's license, the State must check to see if the applicant holds a license in another jurisdiction. It seems like a very simple requirement. Unfortunately, it is not something that goes on as a matter of routine at present.

We would support substantial upgrading of the road testing of drivers in the type of vehicle that they intend to drive and, of course, this would not preclude the carrier from giving an additional test as a condition of employment. And we would also support as part of the licensing requirement a written test with a minimum passing score, not the open book test that part 391 now has.

If the commercial driver license system really meant that a driver had passed some kind of rigorous standards in testing for a license, there would be less use for this duplicative qualifying standards in the Federal regs, and it seems to me from the Government's viewpoint, it seems preferable to insure the driver competence at the licensing stage rather than after the fact by trying to audit the driver's qualifications file.

I see that my time is up. I would like to make two more very brief points. First of all, the funding of this type of program is critical and we do support using MCSAP Program funds and 402 highway safety funds for this. We endorse the increased funding levels for MCSAP that are included in your bill and we would definitely support contract authority for this program in order to show the States that there will be some continuity in the program.

The final point that I would like to make is that the Private Truck Council would like to be on record as supporting the .04 blood alcohol content standard for truckdrivers. I think and our organization thinks that you should hold commercial vehicle drivers to a higher standard of care than the motoring public. It seems in my mind that that is what the whole idea of the commercial driver's license and the Federal qualification standards is all about.

These drivers are operating an inherently dangerous instrument and it seems very appropriate to me to hold them to a higher standard of care. Thank you.

[The statement follows:]

STATEMENT OF RICHARD P. SCHWEITZER, LEGISLATIVE COUNSEL, PRIVATE TRUCK COUNCIL OF AMERICA, INC.

Mr. Chairman and Members of the Committee: My name is Richard P. Schweitzer; I am Legislative Counsel for the Private Truck Council of America, Inc. (PTCA). With me today is PTCA Executive Vice President Richard D. Henderson. We appreciate the opportunity to present our views on how the motor carrier industry can bolster its safety efforts through improved driver licensing, training, and qualifications.

PTCA is an independent national organization, which since 1939 has represented the interests of non-transportation companies that operate private truck fleets. Our membership consists of approximately 1,800 companies comprising a cross-section of manufacturing, processing and retailing industries, and includes a substantial number of Fortune 500 companis as well as many small concerns.

Trucks haul over three-quarters of the nation's freight, and private carriage is generally recognized as the largest segment of the trucking industry. Over three-fifths of the intercity freight that moves by truck is hauled by private carriers.

Over the past six years (1979–1985), truck-related fatalities reported to the Bureau of Motor Carrier Safety declined 13 percent, and reported injuries declined 10 percent. Injuries and fatalities in 1985 were both lower than comparable 1984 figures. While this record does indicate a substantial amount of progress in truck safety, much more needs to be accomplished. And since the vast majority of truck accidents are primarily caused by driver error, the driver is the logical point of focus.

UNIFORM DRIVER LICENSING AND SINGLE DRIVING RECORD

Our members commend this committee for seizing the initiative on commercial driver licensing and driving records. S.1903, "The Commercial Motor Vehicle Safety Act of 1986," has proved to be the catalyst for a comprehensive examination of how industry and government train, license and qualify drivers to operate commercial motor vehicles.

In addition, this committee worked diligently for enactment of the Motor Carrier Safety Act of 1984, which established uniformity in motor carrier safety regulations and the enforcement thereof as a primary objective of our national highway safety policy. The uniformity in state and federal rules developing from that Act, as well as from the Motor Carrier Safety Assistance Program (MCSAP), has set the stage for the present attempt to create uniform driver requirements.

The Highway Safety Act of 1966 (Chapter 4, Title 23, U.S.C.) directs the Secretary of Transportation to promulgate driver license standards. This has been accomplished under Standard 4.4.5, which says in part: "Each driver holds only one license which identifies the type(s) of vehicle(s) he is authorized to drive."

The Drivers License Compact (DLC) was established in 1960 to implement the one license, one record concept among the states. The DLC also provided for exchange of information between states, and uniform treatment of serious offenses from state to state. At present, 30 states and the District of Columbia are members of the DLC.

In addition, 31 states now have some type of classified licensing system, primarily based on the type of vehicle to be driven. However, the standards for testing and licensing commercial drivers are not consistent from state to state. It is possible in 19 states and the District of Columbia to operate a five-axle tractor-semitrailer combination, or even a tandem trailer combination, by passing a road test in a passenger automobile.

PTCA has been participating in a series of motor carrier safety workshops and informal dialogues with respesentatives of auto, bus and truck organizations, the insurance industry, highway safety groups, and state and federal government personnel to develop a consensus agenda for commercial driver licensing and records. The following approach was agreed upon by all participants:

1. There is a need for national uniformity in the issuance of drivers licenses for commercial motor vehicle operators. National Standards should be developed to meet this need.

2. The National Standards must be developed and implemented in a timely manner.

3. The Secretary of Transportation should be empowered by the Congress to promulgate, within 6 months, National Standards for Commercial Motor Vehicle Operators. The Standards shall include, but not be limited to:

a. A definition of "Commercial Motor Vehicle Operator" as applicable to vehicles weighting over 26,000 pounds GVW.

b. One license issued only by the state of residence of each commercial motor vehicle opertor. Each state shall fully recognize the license issued by the state of residence.

c. A single, and complete, driver record for each commercial motor vehicle operator maintained by the state of license issuance.

d. Exchange of commercial motor vehicle operator records from one state to another, when state of residence is changed.

e. Information to be included on commercial motor vehicle operator driver records.

f. Classified Licensing System based on weight and type of truck or bus to be operated.

g. Testing of commercial motor vehicle operators in the type of vehicle they intend to drive.

h. A requirement that prior to issuing a Commercial Vehicle Operator's License the state of issuance must determine if the operator holds a Commercial Motor Vehicle Operator's License in another jurisdiction.

i. Such other matters as the Secretary deems appropriate, including estimates of cost to implement the recommended National Standards, and possible funding sources.

4. Funding needs of the state to implement the National Standards should be met by authorizing Highway Safety Grants under Section 402(c) of Pub. L. 89-564, through the Motor Carrier Safety Assistance Program of the Surface Transportation Assistance Act of 1982, and through increased user fees at the state level. Highway Trust Fund sanctions should not be used as a tool to ensure state implementation of the National Standards.

The goals of a commercial licensing system should be to ensure that drivers are able to meet a minimum uniform standard of competency before being allowed to operate a particular commercial vehicle type, and to provide complete and accurate data to other states and to employers regarding a driver's motor vehicle record. When making a decision to hire (or retain) a driver employee, motor carriers need to be able to rely on the adequacy of a driver's license in establishing a basic level of professional skill. Similarly, the employer and its insurer must be able to discover any and all moving violations that are charged against a commercial operator's license.

These goals will be best accomplished through state implementation of unifrom, federally-mandated standards developed through a rulemaking by the Department of Transportation, rather than having DOT issue a national commercial driver's license. Although inadequate to meet existing needs, the states do at least have in place the personnel and procedures for testing and issuing licenses. The federal government does not. Also, the issuance of a federal license by DOT would have to be enforced by federal agents, and revocations handled through DOT administrative hearings and ultimately the federal court system.

PTCA recognizes that licensing of motor vehicle drivers has traditionally been a function of state government, and sees little reason to alter this approach. Out objective is a meaningful and uniform license—there is no need to have the federal government involved in the issuance of the license itself when promulgation of federal standards for state implementation will suffice.

The uniform commercial license should apply to all commercial drivers of vehicles over 26,000 pounds GVW, both for interstate and intrastate operations. A gross vehicle weight of 26,000 pounds is a standard trucking industry measure for different vehicle classifications, and approximates the difference between local delivery trucks and long-haul vehicles (obvious exceptions to this would be heavy construction trucks or gravel trucks, which are locally-used vehicles). Generally speaking, however, vehicles over 26,000 pounds GVW have substantially different handling characteristics and require more skill to operate than smaller commercial vehicles.

Intrastate drivers should also be included because of the need for uniformity in licensing standards. Under MCSAP and the Motor Carrier Safety Act of 1984, uniformity in state and federal regulations has become a priority. The need to ensure a driver's competence is no less simply because his daily route does not take him across a state line.

Adoption of these applicability provisions would require commercial licensing for approximately 2.5 to 3 million commercial drivers, a relatively manageable subgroup when compared to the 155 million licensed drivers in the country today.

As to specific standards for issuing a commercial driver's license, PTCA asserts that this area is better suited to a rulemaking proceeding than legislation. Yet our members have made some observations regarding certain issues in the licensing proposals:

(a) Classification.—The commercial license should include several classifications based on the type of vehicle configuration, and depending on the handling characteristics of a certain type of configuration. The vehicle classifications should, to the extent possible, be rated so that a driver with a license for the most difficult type of vehicle will also be able to drive lesser rated vehicles.

(b) Written testing.—The written examination on the Federal Motor Carrier Safety Regulations now included in the driver qualification requirements of 49 CFR Part 391 should be incorporated into the license requirements instead. Also, the written exam should not be an "open book" examination, and a minimum passing grade should be required. With these changes a carrier seeking to hire a new driver would not have to administer an additional written test to the applicant, but could rely on the driver's commercial license that the driver had passed a state-administered written exam.

(c) Road testing.—As with the written test, the road test now administered by the carrier as part of the driver qualifications in 49 CFR Part 391 should be incorporated into the licensing procedures to avoid duplication of effort. We suggest a system whereby the states either administer the road tests themselves, using state-owned vehicles, or certify company safety managers and/or driver trainers to administer the tests on behalf of the states in company-owned equipment.

(d) Medical requirements.—The medical examination requirement in 49 CFR Part 391 should also be incorporated into the licensing requirements. In order to renew the commercial license, a requalification physical examination (now required every two years) would be required.

(e) Training.—We do not envision the licensing requirements to set out any particular training standards, at least at present. The licensing rules should test a driver's knowledge and driving skill, but need not require a prescribed course for achieving that knowledge and skill. Also, DOT has recently proposed a set of minimum standards for training tractor-trailer drivers. This proposal, should be prove to be effective and cost efficient, could serve as the basis for training requirements in the future.

In order to ensure that a driver has only one commercial operator's license there must be some system for exchanging license information among the states. In addition, states should also exchange information on a driver's motor vehicle record, both personal violations and commercial, including speeding and all other serious violations.

It is critical for a motor carrier to have access to a driver's complete motor vehicle record. A carrier that fails to reasonably check a driver's record, and allows a driver with many violations to operate a commercial vehicle, may be held liable under a "negligent entrustment" theory if the driver is involved in an accident. If the carrier intentionally or recklessly disregards the violations and allows the driver to operate a commercial vehicle, the carrier may be held liable for punitive damages as well if an accident occurs.

To effectively identify each commercial driver, we believe that some form of unique personal identifier must be included in the license and record information. Retinal images or fingerprints, digitized so they can be transmitted via telephone wires, are two examples of existing technology to accomplish this goal.

A central file, with the states exchanging license and driving record information by mail, may be necessary as a temporary measure. But a system based on mail exchange will never transmit the information as efficiently as motor carriers require. For the information exchange to work, the state administrators must be both willing and financially able to participate. Simply mandating that states comply, even under threat of lost highway funding, will not accomplish this end. Sending copies of license applications and violation records to Washington (or wherever a central file is located) will not be a high priority for state administrators. As the lag between the time a license is revoked and the time that information is included in the central file increases, the value of the data will be lessened.

To ensure timely state involvement in the information exchange, PTCA has been active in an effort to establish a national telecommunications network, administered by the states, with which the states could electronically share commercial driver licensing and motor vehicle record information. The immediate goal is to develop a system that would permit a state to determine whether an applicant for a commercial driver's license already holds such a license in another state, and would permit a potential employer to have access to a complete motor vehicle record for any driver applicant.

The new system is expected to supplement the National Driver Register (NDR), which was established by Congress in 1960 and computerized by 1982 legislation. However, the NDR computer network is only now beginning a four-state pilot program, with limited information available; a national system will not be in place until 1992 at the earliest. It is expected that the new telecommunications system will provide more information to both state administrators and trucking industry management, have a faster turnaround time for requests within the system, and be on-line nationally much sooner than the NDR.

The NDR contains fundamentally different information than the proposed information exchange program. NDR uses a problem driver pointer system, where only the worst offenders are identified and listed. We envision a system that lists all commercial drivers, with a complete record of serious violations (including speeding citations, which the NDR excludes). At least at the outset, we suggest that the two systems remain separate.

The American Association of Motor Vehicle Administrators has recently awarded a contract on a systm design and cost/benefit study on the telecommunications network. The study results will be in by fall of 1986; if its conclusions show a system that is both feasible and cost effective, as we expect, implementation could begin in the states as early as 1987.

Although the system design and cost/benefit study will provide additional cost figures, initial estimates by system vendors indicate the original capital costs of a telecommunications system run between $30 and $50 million over several years. We strongly suggest that congress authorize a portion of that amount each year for the next four years from MCSAP and the 402(a) highway safety funds. Operational expenses for the system will be underwritten by user fees for information requests.

THE COMMERCIAL MOTOR VEHICLE SAFETY FUND

Section 3 of S. 1903 would establish a "Commercial Motor Vehicle Safety Fund." Penalties and fines for violations of the Federal Motor Carrier Safety Regulations would be placed in this fund and used for incentive grants to states to conduct random inspections of commercial motor vehicles and random chemical tests of drivers to determine drug and alcohol use. If a driver was found to be intoxicated or under the influence of a controlled substances his license would have to be suspended for at least 150 days.

The provision is administratively, and perhaps constitutionally, unsound. The Bureau of Motor Carrier Safety takes in only about $1 million per year in motor carrier fines; under the Motor Carrier Safety Act of 1984, this money is deposited in the Highway Trust Fund. Although increased enforcement efforts should increase the revenue yield dramatically, even several million dollars a year will not provide much incentive when divided among 50 states and administrative expenses are deducted.

Also, this program duplicates the federal grant programs in MCSAP and in the Alcohol Safety Countermeasures Program of the National Highway Traffic Safety Administration. There is already incentive money for the states to implement these plans. Establishing a third program adds another layer of administrative expense. The license suspension provision of Section 3 could be added onto other sections of the bill, although PTCA members urge that there be an automatic one-year suspension of a commercial operator's license for impaired driving in a commercial vehicle.

Finally, random chemical testing of truck drivers, without reasonable suspicion of drug or alcohol use, may violate the fourth amendment right to be free from unreasonable search and seizure. Drug testing in particular requires the more intrusive methods of urinalysis or blood testing. Without some standard for enforcement officers to follow, the courts are likely to hold that the right of privacy precludes such personal invasions, even for commercial motor vehicle operators. PTCA does not oppose random drug and alcohol testing for drivers; in fact, our Safety Committee has authorized the Council to request that the Bureau of Motor Carriers mandate testing for drug use in the preemployment and biannual physical examinations, and also give carriers the authority to test for drug or alcohol use at any time "for reasonable cause." This approach is similar to the rules recently adopted by the Federal Railroad Administration, which have been upheld in federal court challenge. However, testing by state enforcement officers for drug or alcohol use by drivers could be best accomplished through the existing Motor Carrier Safety Assistance Program. We believe it is more expedient to add to an existing and successful program than to create a new bureaucratic structure.

AUTHORIZATION LEVELS FOR THE MOTOR CARRIER SAFETY ASSISTANCE PROGRAM

MCSAP is a study in federal-state cooperation toward a common objective. By the end of fiscal year 1987, DOT expects to have 4,000 new state inspectors conducting roadside checks on equipment and drivers. In addition, virtually every state in the country will have adopted the Federal Motor Carrier Safety Regulations or equivalent rules for intrastate traffic.

PTCA endorses the extension of MCSAP and the increased authorization levels contained in Section 6 of S. 1903. The increased funding is necessary to cover expanded state participation in the program, development of a national telecommunications network over several years, and testing for drug and alcohol use by commerical drivers. MCSAP is one area where the federal government's money is well spent.

We look forward to working with the committee and staff to develop a safety bill that will result in a further reduction of fatalities and injuries from motor carrier accidents. I will be pleased to answer any questions you may have.

Thank you.

The CHAIRMAN. Thank you, Mr. Schweitzer.

Mr. Harvison.

Mr. HARVISON. Thank you, Senator, and good morning. My name is Cliff Harvison. I am president of National Tank Truck Carriers, a national association representing over 200 companies engaged in tank truck transportation.

I want to thank you for the opportunity to testify this morning and I would like to note that I will limit my remarks to the applicability of the draft legislation to the training, licensing, and certification of tank trucks laden with hazardous materials—or drivers of tanks trucks, rather.

As you might expect, we strongly support the concept of a single national driver's license issued by the States for all commercial motor vehicle operations. At the same time, we recognize that it is just not enough to support a concept that we who are engaged substantially in the transportation of hazardous materials have special obligations to the public. We do feel that this legislation can be amended somewhat to enhance safety.

For the purposes of comparison with the drive freight sector of the industry, let me characterize tank truck transportation. Essentially, we are composed of three competitive elements: private carriers, for-hire carriers, and so-called jobbers. The latter element operates the most vehicles but their operations are generally limited to short haul petroleum deliveries, specifically gasoline and heating oil.

On the other hand, most private and for-hire fleets are either regional or national in their scope of operation and transport a wide variety of products including such items as chemicals and hazardous wastes.

Overall, these three entities control an estimated 102,500 combination vehicles, and it is reasonable to assume that over 70 percent of the total tonnage hauled by the entire industry would meet the DOT definition of hazardous materials.

Now, obviously, middle distillate petroleum products are the most commonly hauled products; however, as I noted, we get into a wide variety of chemicals, recyclables, and hazardous wastes.

The nature of our business, combined with increasing public concern over the transportation of hazardous materials, compels support of the draft Commercial Motor Vehicle Safety Act of 1986 and leads me to offer some refinements for your consideration.

For instance, it is my understanding that the provisions of the proposal would apply only if the vehicle is placarded according to DOT regulations. Now, this will create substantial problems in the drive freight portion of the trucking industry. However, I would like to note for the record that, in my opinion, it will not limit the proposal's applicability to the tank truck sector, nor would it create unreasonable or administrative or operational burdens.

We are concerned, however, over criteria outlined in section 4(c)(1). Therein it would appear that States are given the option of imposing licensing criteria more strict than published Federal minimums. We have no objection to giving States latitude in this area. However, we suggest strongly that the bill should be amended to ensure reciprocity between all States for any and all drivers licensed under the Federal minimum.

Hopefully, the committee could appreciate the administrative and operational burdens and chaos that would result if a driver from State A could not operate in State B even though he had complied with Federal minimums. I do not believe that such a situation is contemplated by the committee, but I think clarification of the proposal is in order.

Next, I have been informed that certain agricultural operations would be exempted from the scope of the legislation. At the risk of entering a very politically sensitive area, may I illustrate the problem within the context of the following scenario:

Anhydrous ammonia is a fertilizer used commonly throughout the United States. Millions of gallons are produced and transported annually on our highways. Anhydrous ammonia is also a compressed gas, any massive amount of which, if released at any one time, is life-threatening.

Two identical tank trucks, each laden with 11,000 gallons of ammonia, are ready for dispatch from a fertilizer dealer to a farm, one unit being driven by an employee of a trucking company, the other being driven by an employee of a farm co-op.

Is the objective of safety served by exempting either or both of these drivers from the law?

Mr. Chairman, as I noted earlier, the tank truck transportation of hazardous materials represents special concerns and we believe the current legislation can be strengthened. For instance, it is axiomatic that a tank truck driver must have some working knowledge of the fundamental hazard characteristics of the product being transported. For his or her own good and for the good of the driving public, the driver should be trained in how to deal with, for example, oxidizers versus flammables versus corrosives, and so forth.

Therefore, we suggest that carrier employers be compelled to certify that the driver has been trained in one or more hazard criteria based upon current DOT hazardous materials classifications. Furthermore, the driver should be required to have evidence of such training and certification available for compliance inspections. By that we mean, as an example, wallet cards similar to present DOT requirements for physical examinations and qualification.

Lastly, we believe that it is essential that some degree of retraining and recertification be mandated when an individual switches jobs, especially when the new hire will be dealing with hazardous materials. The need for such a program is confirmed by the realization that many drivers work only on a seasonal basis while others may be independent contractors or brought in from a dry releasing pool.

Again, Senator, we are pleased to offer support for the proposal. We have offered some refinements. Hopefully, they will be considered positively, and I stand ready to attempt to respond to any questions.

Thank you.

The CHAIRMAN. Gentlemen, thank you very much for your testimony. You have examined the bill with great care. Is it accurate to say that you believe that the draft of the bill, the latest version of it, would be a significant step forward?

Mr. SCHWEITZER. I would like to say that; yes. We have worked with your staff and there has been a considerable amount of work within this working group in order to reach consensus on the idea of licensing and qualifications of drivers and also on the whole idea of trying to get a workable system where the States can not only license the drivers, but keep track of their motor vehicle records.

I think the idea of the Federal standards for State implementation of the license is the proper way to go. I think increased use of MCSAP and expanded funding for that program in order to increase the inspection program is also a proper way to go, and I believe that in general the approach of the revised draft is a big step foward.

The one problem I do have with it is that it does apply to vehicles over 10,000 pounds gross vehicle weight which would bring in, my guess is, 2 to 3 times the number of drivers that you would have if it applied only to vehicles over 26,000 pounds.

The CHAIRMAN. Is there general agreement on the 26,000 pounds criterion?

Mr. PERINI. Yes, Mr. Chairman, we would agree with that.

The CHAIRMAN. Mr. Burkert, do you?

Mr. BURKERT. Yes, we do.

The CHAIRMAN. Mr. Harvison.

Mr. HARVISON. Yes, Senator, and strictly for the reason and the fact that our industry does not operate any vehicles under that criteria. In other words, when you are talking about imposing this, you are talking about imposing this on 100 percent of our industry.

The CHAIRMAN. Mr. Perini, I apologize. Did you have a further comment?

Mr. PERINI. I was going to point out that I am very much in agreement with the gentleman to my right here, Mr. Schweitzer, that if you try to get this too far down, you are going to include so many operators that the system is going to be very difficult to get off the ground. I say that classified licensing has been around for many years, and part of the problem has always been who do we include and who do we exclude?

I think the bill does a good job in that respect.

The CHAIRMAN. And there is general agreement that the problem of multiple licensing is today a significant problem and that it should be corrected, and that the preferred way of correcting it is to let the States administer a uniform standard, rather than to create a new Federal licensing process.

Mr. PERINI. I would agree with that, sir.

Mr. BURKERT. [Nods affirmatively.]

Mr. HARVISON. Yes, sir.

The **Chairman**. What do you think about a phase-in down to 10,000 pounds? Would that be a good idea?

Mr. **Burkert**. It really does not affect our industry, Mr. Chairman, because I think like the tank truck people, basically our industry deals with heavy vehicles.

Mr. **Schweitzer**. It does affect many of the companies that I represent. If you go down to 10,000 pounds you are talking about local delivery, bread trucks, and soft drink bottlers, and a lot of very local intracity delivery trucks.

I am not saying that there may not be a multiple license problem in that weight category, but I think primarily the multiple license problem is for over-the-road drivers who average 70,000 to 120,000 miles a year. I think that is where we ought to concentrate the efforts.

Mr. **Perini**. I would agree with that, Mr. Chairman.

The **Chairman**. Let me ask you about the 0.04 blood alcohol content and the point that was made by Mr. Sweeney. He said that because of the 2-hour callback, it just was not workable; that you have people who were subject to being called back to duty on 2 hours' notice, and that means that if somebody has a couple of beers watching the ballgame on the TV and is called back, he is subject to the 0.04.

He said that if you are going to do that, you should have a longer callback provision. What are your comments on this?

Mr. **Schweitzer**. I think you hit the nail on the head when you said that the Federal regulations already prohibit any consumption of alcohol within 4 hours of going on duty. If they are drinking 2 hours before they start driving a truck, they are violating the law already. Whether or not that provision is adequately enforced I think is irrelevant. They are in violation of the law.

The **Chairman**. Let us suppose—and it is my understanding that just by breathing, your blood alcohol content is reduced by 0.015 an hour, something like that.

Now, let us suppose that somebody has a 0.10 blood alcohol level and they have been partying, and they got a callback to report in 4 hours. That would mean that they be down to 0.04 under those circumstances in 4 hours.

Is there a problem in too short a callback time now? I mean do you understand the point that Mr. Sweeney was making? Is there a reason for concern and how should we address it?

Mr. **Harvison**. Senator, I think Mr. Sweeney pointed out the fact that if this particular aspect came into play, some negotiations would have to go on between labor and industry and my thought when he made that statement was, well, they have renegotiated the 2-hour aspect to begin with.

I think within the context of this legislation, you are dealing with a technical problem that can be addressed. I think there probably is a sufficient amount of research, body of research that is out there to say how the blood alcohol content would decrease over a period of time given certain factors and what have you.

I would just like to make the point that I do not think that the concept and the objectives of this very, very positive legislation should be—I do not think there should be any stumbling block and I do not think that that particular problem is a stumbling block.

You pass the legislation and the industry and the Teamsters Union, as they have in the past—because we have been subject to Federal regulation since 1935—we are going to take care of those problems.

The CHAIRMAN. You say that there is strong opposition.

Mr. HARVISON. And I appreciate that. I think the example that was given in terms of the callback is a very, very valid example and something that has to be dealt with.

There are two things this committee has to keep in mind. No. 1, let's not let these matters which historically have been dealt with over the bargaining table serve as a stumbling block to expeditious passage and implementation of this very desirable legislation.

And the second thing that has to be kept in mind is that the vast number of people out there driving trucks as a way of living are not Teamsters, and I do not say that to degrade the Union or anything like that. That is just the way it is.

This ultimately will be reflected in the Federal regulatory structure through DOT. They are going to have to pass regulations on this either in and of their own motion, as we heard all good intentions of this morning, or at the direction of this Congress.

That situation is going to change and the bargaining units and the employee/employer relationships will be mandated to adjust accordingly. There is nothing new about that. It has been going on since 1935.

The CHAIRMAN. So you think the practical effect of all this is that the 2-hour callback will be adjusted?

Mr. HARVISON. I think there will be adjustments, certainly.

The CHAIRMAN. Does anyone else want to comment on this?

Mr. BURKERT. I would just like to comment from the point of view of the bus industry. Certainly Rick's point on the legal ramifications, the 4-hour abstention period is a valid one. That is currently in the regulations.

As a practical matter, though, people that we call from our extra board, in certain union carriers, know that they are on the extra board and history has shown, these people will not even go to the shopping center for 2 hours. They are afraid they are going to miss the call. So they know they are on call and they know the circumstances that they are working under and are absolutely aware of the ramifications of alcohol.

I am not going to say that that cuts everybody off from a drink; that would be highly impractical to say. I think that these people are aware of their circumstances and can enter that abstention period, quite frankly.

Mr. PERINI. Mr. Chairman, I would like to point out that I agree with Mr. Schweitzer that as a matter of practical fact, if a person is going to drive a vehicle of that size, that person should be free of alcohol altogether.

Now, my concern with the 0.04 percent is that it really constitutes sort of a legislative lightening rod because this is an issue that is going to have to go through the State legislative process as I understand it.

Once you get into a State legislature and you start arguing per se legislation, you generate a great deal of collateral debate which is probably not germane.

The CHAIRMAN. Well, the 0.10 I think we did the same way, didn't we? The 0.10 is roughly the same. In other words, you say the State does not have 0.10. There could be certain sanctions imposed by the Federal Government.

Mr. PERINI. Well, 0.10, just from the standpoint of the volume of alcohol in the blood, 0.10 is a lot less subject to debate than some of the lower numbers. I know there have been efforts to reduce BAC levels to 0.8 and so forth, but this is a new number.

The CHAIRMAN. Do you think that this is a lightening rod and that therefore we should just drop it?

Mr. PERINI. Probably by regulation, it could be handled by regulation either at State level or Federal requirement that a regulation be promulgated in that area, rather than put this into the statute where all of a sudden it becomes visible.

The CHAIRMAN. Any other comments?

Gentlemen, thank you very much for your testimony.

The next panel: John Archer of the American Automobile Association; Rita Bontz, Maryland Independent Truckers & Drivers Association; Earl Eisenhart, American Association of Motor Vehicle Administrators; Michael O'Connell, Owner-Operators Independent Drivers Association of America.

Mr. Archer, you are first on the list. Would you please go first?

STATEMENTS OF JOHN W. ARCHER, MANAGING DIRECTOR, GOVERNMENT AFFAIRS, AMERICAN AUTOMOBILE ASSOCIATION; RITA BONTZ, PRESIDENT, MARYLAND INDEPENDENT TRUCKERS & DRIVERS ASSOCIATION; EARL EISENHART, DIRECTOR OF GOVERNMENT AFFAIRS, AMERICAN ASSOCIATION OF MOTOR VEHICLE ADMINISTRATORS; AND MICHAEL O'CONNELL, LEGAL COUNSEL, OWNER-OPERATORS INDEPENDENT DRIVERS ASSOCIATION OF AMERICA

Mr. ARCHER. Thank you, Mr. Chairman.

AAA serving more than 26 million members, appreciates the opportunity to testify today. We would like, first of all, to thank you for introducing this legislation and for recognizing the need to set standards for driver testing and to put an end to the practice of multiple licensing.

We believe that licensing of drivers of large trucks must reflect the fact that these vehicles present unique safety problems. Truck drivers spend long hours behind the wheel of a commercial vehicle that is big, powerful and unwieldy. Big trucks have long stopping distances, enormous potential for jackknifing rollover, and are often driven in interstate commerce, thereby inviting the multiple licensing problem.

Obviously a license to operate such a vehicle should be tightly controlled. It should be an occupational license issued according to standards ensuring that the truck operator is a competent professional.

However, as has been repeatedly noted, in 19 States and in the District of Columbia, if you pass the regular motorist licensing tests in your compact car, you are entitled to drive a tractor semitrailer nationwide and a tandem trailer truck in every State but

Connecticut. However, that does not adequately describe just how bad truck licensing is.

To the best of our knowledge, the statutes of only seven States actually require that a driver of a combination truck be tested in the exact type of vehicle he or she intends to drive. Only California and Michigan require special qualifications for truck drivers hauling hazardous materials, obviously the most dangerous shipments. And only Connecticut requires that twin trailer drivers demonstrate their competency in operating that type of equipment.

Probably most importantly, Mr. Chairman, a number of States actually require nonresidents to obtain a license if employed as a driver by a resident corporation, thereby requiring drivers to obtain more than one license.

If you were just visiting this hearing, you might have the impression that there are a large number of truck drivers nefariously obtaining additional licenses. The reality is that at least nine States require them to have multiple licenses. In short, today State governments are creating the problem, in large part.

That is why we think that reform is needed and that Federal legislation is needed. And the public agrees, Mr. Chairman.

In a scientific national poll, 77 percent of the respondents believed the Federal Government should change licensing procedures and issue a single truck driver's license. Eighty-two percent of the AAA members participating in that poll agreed.

We believe the public's concern is quite well-founded. Combination trucks currently have a fatality rate over two times that of passenger cars, even though combination trucks predominantly use the safest roads in the world. Of the 4,908 people killed in heavy truck accidents in 1984, only 920 or just 18.7 percent were truck occupants. AAA belives that a national truck driver licensing system would assure adequate testing of truck drivers and help put an end to the practice of multiple licensing in several States.

We therefore recommend national licensing system to be applicable to all drivers of commercial vehicles over 26,000 pounds. Under this system States would test drivers and issue licenses according to uniform Federal standards and the Federal Government would maintain a central index of all drivers to eliminate the multiple licensing problem and to ensure that an individual whose license is suspended or revoked in one State is not inadvertently licensed in another.

In our view, the exact types of vehicle classes to be tested should be determined by rulemaking. However, we strongly believe that those classes at a minimum should include not only straight truck and tractor-semitrailer, but also multicombination truck, tank truck and bus.

The national licensing standards approach is the only near-term potential solution to solving the licensing problems associated with drivers of heavy commercial vehicles. The National Driver Register and the driver license compact have inherent weaknesses that will render them ineffective in controlling the commercial vehicle operator for the foreseeable future absent strong national standards. And a Federal license, although a good idea, is not politically feasible at this time.

Thank you for the opportunity to appear.

[The statement follows:]

STATEMENT OF JOHN ARCHER, MANAGING DIRECTOR, GOVERNMENT AFFAIRS, AMERICAN AUTOMOBILE ASSOCIATION

The American Automobile Association, serving more than 26 million members, appreciates this opportunity to comment on national licensing of heavy commercial vehicle operators. We thank you, Chairman Danforth, for recognizing the need to set standards for driver testing and to put an end to the practice of truck drivers holding multiple licenses.

Triple A believes that licensing and regulation of drivers of large trucks must reflect the fact that these vehicles present unique safety problems. Truck drivers spend long hours behind the wheel of a commercial vehicle that is big, powerful, and unwieldy. Big trucks have long stopping distances, enormous potential for jackknifing or rollover, and are often driven in interstate commerce, thereby inviting the multiple licensing problem. A license to operate such a vehicle should be a tightly-controlled occupational license issued according to standards ensuring that the truck operator is a competent professional.

But today in 19 states and the District of Columbia, if you pass the regular motorist licensing test in your compact car, you are entitled to drive a tractor semi-trailer truck nationwide and a tandem trailer truck in every state except Connecticut.[1] Worse yet, to the best of our knowledge the statutes of only seven states require that a driver of a combination truck be tested on the type of vehicle he or she intends to drive;[2] only California and Michigan require special qualifications for truck drivers hauling hazardous materials;[3] and only Connecticut requires that twin-trailer drivers demonstrate their competency in operating that type of equipment. Nine states even require non-residents, to obtain a license if employed as a driver by a resident, thereby requiring multiple licenses.[4]

Multiple licenses allow Interstate truckers to spread their traffic violations over a number of licenses, thereby assuring a "good driver" rating regardless of the number of violations they have committed.

In short, the current system demands immediate reform.

As we testified before this Committee last September, the public recognizes this urgent need. A scientific, national poll to obtain information and consumer attitudes toward truck driver licensing procedures was conducted for AAA in July, 1985. Seventy-seven percent of the respondents believed the federal government should change licensing procedures and issue a single truck driver's license. Eighty-two percent of AAA members participating in the survey supported the concept.

The public's concern is well-founded. Combination trucks currently have an accident fatality rate more than two times that of passenger cars even though combination trucks predominantly use the safest roads in the world. Of the 4,908 killed in heavy-truck accidents in 1984, only 920, or 18.7 percent, were truck occupants.[5]

Just as commercial aircraft pilots are effectively grounded when the Federal Administration suspends or revokes their pilot's licenses, so should a commercial vehicle operator be "grounded" when traffic violations are so serious or so frequent that license suspension or revocation is warranted. But neither the National Driver Register (NDR) nor the Driver License Compact (DLC) have been able to deal effectively with the multiple licensing problem. More importantly, both the NDR and the DLC have inherent weaknesses that will render them ineffective in controlling the commercial vehicle operator for the foreseeable future, absent strong national standards.

One of the essential elements of effective driver licensing is classified licensing. Yet almost half of the states (14) which are members of the Driver License Compact do not have a classified driver licensing program, while 14 of the 20 states which are not members of the Compact do have a classified licensing program. The Compact will continue to be ineffective unless it is enforced by national licensing standards.

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[1] National Transportation Safety Board Draft Safety Study, Training, Licensing, and Qualification Standards for Drivers of Heavy Trucks, NTSB/SS-86/02.

[2] Development of Knowledge and Performance Tests for Heavy Vehicle Operators, Volume 1: Development and Field Test (December 1984 Final Report DOT HS-806 688) Study by National Public Services Research Institute for NHTSA.

[3] NTSB Safety Study, Op. Cit.

[4] Arizona, Arkansas, Florida, Idaho, Iowa, Oklahoma, Rhode Island, Tennessee, and West Virginia as per 1980 study by National Transportation Safety Board.

[5] NHTSA FARS data, 1984.

AAA believes that a national truck driver licensing system would assure adequate testing of truck drivers and help put an end to the practice of a truck driver obtaining licenses in several states. We therefore recommend a national licensing system to be applicable to all drivers of commercial vehicles over 26,000 pounds. Under this system states would test drivers and issue licenses according to uniform federal standards. The federal government would maintain a central index of all drivers to eliminate the multiple licensing problem and to ensure that an individual whose license is suspended or revoked in one state is not inadvertently licensed in another state. Funding would also be shared, with states generating their portion from increased testing and/or license fees and possibly also from federal Motor Carrier Safety Assistance Program (MCSAP) grants, and the federal central index portion funded from MCSAP or 402 highway safety funds.

The testing component of such a system could be funded through a one-time examination fee imposed on the driver. Based on testing done in the State of Maryland, AAA estimates that the one-time additional testing cost would amount to $20.00 to $40.00 per driver, assuming additional testing facilities would not have to be constructed. While admittedly a rough estimate, we nevertheless believe it substantiates our view that the cost of such testing would not be exorbitant and could reasonably be imposed on the driver as an entrance cost into the industry.

We believe the central index component of such a system could be funded through an expansion or shift of MCSAP program funds or use of 402(c) funding for state highway safety programs. (Improvement of driver licensing is already among the specific objectives approved for 402 programs.)

The licensing system envisioned by AAA is outlined below:

QUALIFICATIONS FOR A NATIONAL TRUCK DRIVER'S LICENSE

Both intrastate and interstate drivers of commercial vehicles with a gross weight of 26,000 pounds and above should be required to hold a national commercial vehicle license (hereafter referred to as a national license). In order to assure that possession of a national license documents demonstrated skill in the safe maneuvering of heavy trucks, a uniform set of testing standards should be developed and promulgated through federal rulemaking. Once adopted, such standards would then become the basis for minimum testing and licensing standards in all states.

State motor vehicle departments would be responsible for testing applicants in accordance with the national test procedures established by the rulemaking. Each applicant would be required to demonstrate ability to operate the type of vehicle for which the applicant seeks a license. Applicants tested on the most difficult type of vehicle could be licensed to operate certain other configurations.

In addition, each applicant for the national license should, at a minimum:

(1) Be at least 21 years of age;

(2) Pass a written test for the appropriate class of vehicle;

(3) Pass the physical examination specified in 49 CFR § 391.43 or be eligible for a waiver as provided in § 391.49; and

(4) Certify that:

(a) No operator's license currently issued to the applicant is under suspension or revocation;

(b) During the preceding three years the applicant has had no convictions for traffic violations resulting in a fatality;

(c) During the preceding three years the applicant has had no traffic law convictions nor forfeiture of bond or collateral on charges of driving under the influence of alcohol or drugs, or leaving the scene of an accident involving personal injury or death.

CURRENT DRIVERS TO BE GRANDFATHERED AT TIME OF LICENSE RENEWAL

All holders of a valid commercial driver's license should be permitted to apply for the national license as soon as they wish but would be required to apply at their regular time of license renewal. Grandfathered licenses would be issued to applicants providing evidence that they drove the type of vehicle for which the license is sought during the preceding three years, with at least one full year of driving experience with that vehicle during those three years. Valid medical certificates and certification of a good safety record would also be necessary.

Each applicant for a grandfathered license would be checked through the central index so that no driver obtains more than one license at time of renewal. Issuance of grandfathered licenses at renewal dates would allow processing of national licenses for current drivers at a slower rate than requiring application within a certain period, putting less pressure on existing motor vehicle department resources.

Of course, the negative side of a renewal system is that it would be at least four years from the initial implementation date before all current drivers would be issued a national license and entered into the central index. The very drivers this system is devised to weed out, those with multiple licenses covering bad records, would undoubtedly be the last to apply for grandfathering.

Motor carriers themselves could ameliorate this problem by requiring their employees to apply for the national truck driver's license within a year or less.

New drivers should be required to obtain the national license as soon as possible.

LICENSE ISSUANCE AFTER CHECK WITH CENTRAL INDEX

To ensure that no driver has more than one license, and to ensure that drivers who have been suspended or revoked in one state are not licensed by another state, a central licensing index should be created, containing the following information: his or her identification characteristics, including a unique identifier such as a fingerprint (if economically feasible); the operator's current address; the state issuing the license which is also the state maintaining the operator's complete driver record; and whether or not such operator's privilege to operate a commercial motor vehicle has ever been suspended or revoked.

States would check new applicants for the national license with the central index to determine if a license had already been issued to that individual and also if that individual's license has ever been suspended or revoked. If only one license has been issued, and no indication of a suspension or revocation has been found, a new license could be issued when the old license is surrendered.

At a state's option, applicants surrendering a national license from another state could also be subject to a check of the driving record in the previous state to confirm that a disqualifying action is not now contemplated. This should be required when a check with the central index discloses that the applicant has previously had a license suspended or revoked. In this instance the new state would stamp the existing license to indicate an expiration date thirty days after application, or issue a temporary license valid for only thirty days, allowing the applicant to continue driving while a check is underway.

The national license issued would show the name, address, sex, date of birth, social security number, current color photograph of applicant, (the unique identifier, if an identifier is established), and other identification characteristics of the applicant, i.e., height, weight, color of hair, eyes, etc., and the state authorizing issuance. It would specify date of issuance and indicate the type or types of vehicle upon which the applicant has been tested and is qualified to drive, as well as a special hazardous materials endorsement if the applicant has passed a federally-established, pass-fail written exam testing basic generic information concerning the hauling of hazardous materials.

The exact types of vehicle classes to be tested should be determined by rulemaking; but it is our belief that those classes should include straight truck, tractor semi-trailer, multi-combination truck, tank truck, and bus. All five types of vehicle have different operating characteristics which make different demands on the driver. Passing the driving test in a multi-combination truck (two or more trailers) should automatically qualify the applicant to drive straight trucks or tractor semi-trailers, but those drivers wishing to drive a tank truck should take a separate test in a half-full tank truck to acquire a tank truck endorsement. Of course applicants applying to become bus drivers should take a separate bus test in a bus.

Via rulemaking, serious consideration should be given to a minimum age requirement of 25 for tank truck operators, and for those operators driving trucks hauling hazardous materials. This requirement could be waived if the applicant had successfully completed an approved training course.

Also, AAA endorses a proposal already suggested in a FHWA rulemaking stipulating that drivers not be permitted to drive a particular type of tank truck (straight truck, tractor-semi trailer, multi-combination) unless that person had previously operated the non-tank version of that truck for one year.

The national license would be valid only with the possession of a current medical certificate and only when operating vehicles of the type indicated on the license. Alteration of the license would be an offense resulting in revocation.

VIOLATIONS REPORTING TO STATE OF ISSUANCE

To ensure that each driver's record accurately reflects all serious motor vehicle violations that indicate a lack of competence or responsibility behind the wheel, states must be required to report to the state of record convictions of serious violations. At least initially, violations required to be reported could be limited to the most serious violations, such as those required to be reported to the National Driver Register or those specified to be reported by the Driver License Compact.

In addition, in our view egregious violations of hours of service requirements should be included as a serious violation to be reported to the home state. Driver fatigue—stemming from excessive hours of operation—appears to be a significant factor in a large number of big truck accidents.

MECHANISMS FOR RETRIEVAL OF THE NTDL

On a monthly basis, each state would compile a list containing the names and identification number of all individuals who have had their licenses suspended or revoked and who have failed to surrender such licenses. This list would be forwarded to the central labor index, which would then compile a nationwide list of operators with outstanding revoked or suspended licenses and send it to chief state traffic law enforcement officials for distribution to appropriate enforcement agencies. Failure to surrender a suspended or revoked license should constitute a very serious offense which, at a minimum, would automatically be punishable by an extended license revocation.

Enforcement officials would check this national list of delinquent operators and licenses when checking credentials at inspection stations, weigh stations, or during roadside checks.

QUESTIONS OF THE COMMITTEE AND THE ANSWERS

Question. To what extent will the establishment of a national or uniform commercial drivers licensing system promote highway safety?

Answer. Establishment of a national commercial vehicle operators license would:

Ensure that drivers can competently handle the vehicles they will drive;

Eliminate the dual problems of multiple licensing—that is, (1) eliminate the practice of drivers holding more than one license, thereby assuring their right to drive even when one of their licenses is suspended or revoked, and (2) prevent drivers from spreading violations over several license, thus preventing points from accumulating on any one license;

Ensure that the commercial vehicle operator's license is a very valuable license that the holder will know must be protected through safe, law-abiding driving;

Identify problem drivers so that they can be retrained or rehabilitated before their driving privileges are reinstated; and

Professionalize the occupation of truck drivers by making the issuance of a commercial motor vehicle license a symbol of achievement.

Question. What should be the goals of the commercial drivers licensing system?

Answer. AAA believe that a commercial drivers licensing system should:

(a) require adequate uniform testing standards for *all* drivers of heavy commercial vehicles;

(b) ensure that drivers have only one license and one record;

(c) when drivers change states of residence, require states to send driver conviction records to the new state of record so that each driver's record is complete;

(d) require states to send notice of conviction of serious violations to the driver's state of residence (the exact violations required to be exchanged could be established by rulemaking, or alternatively, the violations enumerated in the Driver License Compact, which the Compact requires to be sent to the home state, could be used, along with egregious hours of service violations); and

(e) establish fair and uniform criteria for disqualifying unsafe drivers (the exact criteria should be established by rulemaking).

Question. Will these goals be best accomplished by a national license issued by the Department of Transportation or a uniform license issued by the State?

Answer. A federal license would avoid many of the complications involved in setting up a program that relies on cooperation of the states in testing, exchanging conviction information and performing the necessary record checks through a central index.

Nevertheless, a commitment of federal personnel and dollars for such a project does not appear to be economically or politically feasible at this time. Moreover, a federal license would not reach the intrastate driver, who should be required to prove similar skills and responsibility in operating a vehicle.

We therefore recommend a system to be applicable to *all* drivers of commercial vehicles over 26,000 pounds, in which states conduct testing and issue licenses according to uniform federal criteria and the federal government maintains a central index of all drivers to eliminate the multiple licensing problem and to ensure that an individual whose license is suspended or revoked in one state is not inadvertently licensed in another state.

Funding would also be shared, with states generating their portion from increased testing and/or license fees and possibly also from federal Motor Carrier Safety Assistance Program (MCSAP) grants, and the federal central index portion funded from MCSAP or 402 highway safety funds.

Question. What standards should a licensing program provide for:

(a) Classification of licenses?

Answer. AAA believes that legislation establishing a national licensing system should call for the following standards:

Classification of vehicles over 26,000 pounds GVW by vehicle configuration, with endorsements for tank truck and hazardous materials operation. With respect to vehicle configuration, applicants tested on the most difficult type of truck could be licensed to operate all other trucks except that applicants wishing to drive a tank truck should be required to pass a driving test in a tank truck.

The need to specifically address the tank truck is illustrated by a recent notice of proposed rulemaking issued by the Federal Highway Administration, which makes special note of the "deleterious effect on vehicle stability" caused by cargo surge and sloshing in cargo tank vehicles. FHWA cited a Califoria Highway Patrol study finding that cargo tank trucks were involved in overturn in overturn accidents three times that recorded for all other trucks in fatal and injury cases. This argues strongly for special testing for drivers operating tank trucks, with an appropriate endorsement of the national truck driver license required.

Drivers of vehicles hauling hazardous materials should be required to have specified years of experience with the exact number of years determined by rulemaking. (AAA recommends at least three years experience.) The should qualify for the hazardous materials endorsement only after passage of the written, pass-fail test covering basic principles in the hazardous materials area and after proving they have the required experience.

Question. (b) Written testing?

Answer. Written tests should be administered on a pass/fail basis.

They should be designed to test an applicant's knowledge of safety regulations, safe driving principles, and to determine whether an applicant is prepared to handle a heavy vehicle in adverse weather and traffic conditions that cannot practically be duplicated in a road test.

As noted in 3.a, applicants wishing to drive vehicles hauling hazardous materials should be tested in this area to the extent feasible. Exact questions and other testing criteria should be determined by rulemaking.

Question. (c) Road testing?

Answer. Road testing should be performed on the actual vehicle type and configuration the driver is licensed to drive except that qualification on the most difficult truck should allow a driver to operate all other trucks, except a tank truck, to avoid duplication of testing. According to industry experts, such a test should be ten miles in length, take approximatley 30 minutes, and cover a route offering as many different driving conditions as possible. Ability to conduct a pre-trip inspection, as well as couple and uncouple the unit, where appropriate, should be tested.

The exact requirements of the classified system should be determined by rulemaking; however, AAA believes that there should be five basic classes; straight truck, tractor-semi-trailer, multiple combination truck, tank truck (endorsement), and bus.

Question. (d) Medical requirements?

Answer. Applicants should pass a physical examination such as that required by current Bureau of Motor Carrier safety regulations (Sec. 391.43).

Question. (e) Training?

Answer. Training standards should eventually be addressed by federal rulemaking, to encourage more driver training institutions to adopt quality training materials and more uniform curricula. At this time, however, no system to evaluate existing training schools is sufficiently reliable to make formal training a uniform requirement for licensing. Furthermore, training requirements are not essential to the establishment of a national truck driver licensing system as are classified licensing with adequate testing, creation of a central index of drivers of trucks over 26,000 pounds, the creation of one driver's record in the state of residence, and the required notification of serious convictions to the state of record (the state of residence).

Question. (f) Disqualification?

Answer. Each state must conduct a check of new applicants with a central index to ensure that no driver has already been issued another license. States must be prohibited from issuing a license if a check with another state shows a current suspension or revocation. States should also be prohibited from issuing a license until all other licenses have been surrendered.

At a minimum falsifying information on the license application should be grounds for immediate license revocation. More severe penalties also should be considered.

Specific moving offenses serving as a basis for disqualification must be given careful consideration via rulemaking, but at a minimum should be those falling into the following categories enumerated in the Driver License Compact:

Manslaughter or negligent homicide resulting from operation of a motor vehicle.

Driving a motor vehicle while under the influence of intoxicating liquor or narcotic drug, or under the influence of any other drug to a degree that renders the driver incapable of safety driving a motor vehicle.

Any felony in the commission of which a motor vehile is used.

Failure to stop and render aid in the event of a motor vehicle accident resulting in death or personal injury of another.

In addition, driving more than a specified number of hours in one day also should be deemed a serious violation reportable to the home state. (Excessive fatigue—stemming from excessive hours of operation—appears to be a significant factor in a large number of truck accidents.)

Question. To what extent can these standards be based on the drivers license compact?

Answer. As mentioned above the Driver License Compact requires the exchagne of conviction information for the serious offenses listed below. These criteria could serve as a basis for requiring states to exchagne information to maintain a complete driver record in state of issuance:

Manslaughter or negligent homicide resulting from operation of a motor vehicle.

Driving a motor vehicle while under the infoluence of intorixcating liquor or narcotic drug, or under the influence of any other drug to a degree that renders the driver incapable of safety driving a motor vehicle.

Any felony in the commission of which a motor vehicle is used.

Failure to stop and render aid in the event of a motor vehicle accident resulting in death or personal injury of another.

Question. To what extent can these standards be based on State classified licensing systems?

Answer. State classified systems vary enormously; uniform minimum testing standards will have to be developed through rulemaking, with the option given to the states to impose more demanding testing standards if they choose.

Question. To what extent can these standards be based on existing Department of Transportation regulations?

Answer. Current BMCS regulations are undergoing a thorough review as a result of the Motor Carrier Safety Act of 1984. Using the existing regulations as a basis for standards would therefore be inappropriate. According to a recent study developed by the National Transportation Safety Board, many of the BMCS standards are ineffective, leaving too many loopholes for avoidance, or are too poorly enforced to achieve any positive safety results.

Question. What are the most feasible and cost effective methods for ensuring that no commercial driver has more than one license?

a. If a central file is created for this purpose, what sorts of information should it include?

1. Commercial and noncommercial record information?
2. Is some type of unique identifier necessary?

Answer. A central index should be established which would include the following information concerning each operator of a commercial motor vehicle:

(1) Such information as the Secretary of Transportation considers appopriate to ensure identification of such operator (including a unique identifier if and when the Secretary finds that such identifier is economically feasible.)

(2) The address of such operator.

(3) The social security number of such operator.

(4) whether or not such operator has been disqualified from operating a commercial motor vehicle.

An index is required to ensure that no driver has more than one license, and to ensure that drivers who have been suspended or revoked in one state are not licensed by another state. It would accomplish these dual goals by identifying each driver, indicating which state maintains the complete driver record, and by indicating whether or not that operator had been disqualified from operating a commercial motor vehicle.

Among the identification characteristics in the central index, a unique identifier—such as a fingerprint, electronically stored, should be included if such identifier can be implemented quickly in an economically-accepted manner. The technology is currently available to read fingerprints and convert the fingerprint pattern to digital data that can be stored and retrieved by computers. Implementation problems relate to cost and a lack of complete computerization in some states. However, even without a unique identifier, the central index would eliminate most of the multiple licensing problems.

States would check new applicants for the national license with the central index to determine if a license had already been issued to that individual and whether that individual has ever had a license suspended or revoked. If the driver is already licensed, no new license could be issued until the old license is surrendered, with the state retaining the option of checking with the state of record to ensure that no disqualifying action is now contemplated against the driver. If the check with the central index indicates no license has previously been granted, the state would issue a license within 30 days of the application date following the completion of adequate testing.

In any instances where the central index shows an undisclosed suspension, revocation, or additional state license, the lack of disclosure at a minimum automatically should require denial of the license application. We believe it should also be a criminal offense, possibly punishable by a federal fine, to falsify information on an application for a national license.

In those instances where the suspension or revocation are disclosed, the state where the application is made can determine whether or not to issue the license, weighing all the available evidence in light of existing state law and precedent.

One of the advantages of the central index is the potential for comparative ease in handling applicants surrendering a national license from another state. Such applicants would be subject only to a check of the national index. Road and written tests need not be imposed. In this instance if the state issuing the new license chooses to permit the applicant to drive immediately, it need only check with the central index to assure that the applicant does not have any undisclosed licenses or license suspensions or revocations.

Question. What should the central file's relationship be to the existing National Driver Register (NDR)?

Answer. The National Driver Register is a general file of drivers license suspensions or revocatons plus enumerated, serious moving violations; it does not contain a list of licenses issued, nor does it differentiate between commercial vehicles operators and the general public.

To address the multiple licensing problem and detect undisclosed license suspensions and revocations, two of the root causes of the driver licensing problems associated with heavy commercial vehicles, a central index consisting of licenses issued and licenses suspended or revoked is required. Unlike the current operation of the NDR, state participation in the national licensing system for commercial drivers must be mandatory (participation in the NDR is voluntary).

The actual operation of the central index could be set up at the Department of Transportation in conjunction with the NDR which would facilitate the automation of the NDR and state systems designed to communicate with it. (Another alternative is independent operation by a private contractor.) In either case, a fee could be charged to applicants to offset the costs of each inquiry made under the system.

Establishment of the central index is not dependent upon the rapid exchange of information required, although the ability to allow rapid exchange of information would be quite beneficial to the information exchange process, and would be required by those states wishing to issue the license over-the-counter.

It should be emphasized, however, that a central index listing all licenses and all instances of the loss of the driving privilege, would facilitate over-the-counter operations. In most instances, an instantaneous check with the central index would indicate no undisclosed licenses, suspensions or revocations, thereby allowing immediate issuance of the license.

In one aspect, this central index would be similar to the updated National Driver Register (NDR) that is now evolving as a result of the 1982 legislation. Like the NDR, it would simply indicate whether a driver is in the system, has ever lost his or her license, and indicate the state of complete record for further inquiry.

Question. What are the most feasible and cost effective methods for creating a single driving record for commercial drivers and facilitating exchange of information contained in that record?

Answer. To ensure that each driver's record accurately reflects all serious motor vehicle violations, states must be required to report convictions for serious violations to issuing states. These could be limited to those considered most serious, possibly those required to be reported by the driver License Compact, and in addition, egregious violations of hours of service regulations.

AAA is supportive of efforts to establish a telecommunications network among states for the rapid on-line communication of licensing and motor vehicle information. Nevertheless, we do not believe an effective licensing system for drivers of heavy commercial vehicles is dependent upon its development. This system would apply only to the approximately 2.5 million drivers of heavy trucks—not to the nation's 155 million licensed drivers, thus allowing more attention and resources to be directed to these drivers.

Moreover, reliance on the establishment of a telecommunications system will unduly delay needed reform. It is our understanding that motor vehicle departments in approximately ten states have not created centralized computer systems sufficient to be part of an integrated nationwide telecommunications network, even if one existed. Furthermore, it is our understanding that many of the state centralized computerized systems which do exist are not compatible with each other (creating another significant but not impossible technological problem).

Question. Describe the relationship of your proposal to the NDR.

Answer. Our proposal is not integrally related to the National Driver Register although the central index could easily become a separate component of the National Driver Register. The central index would be a licensing index covering only drivers of heavy commercial vehicles; in contrast, the National Driver Register is an index of serious violations and license suspension and revocations covering all the nation's drivers. It does not have the capability of identifying drivers of heavy vehicles.

Question. Estimate the cost that would be associated with each aspect of an effective national or uniform commercial vehicle drivers licensing program.

Answer. Using reasonable estimates of individual truck driver license examination costs, AAA projects that the administrative cost (salaries and overhead) of license testing for drivers of heavy commercial vehicles would be approximately $20.00 to $40.00 per driver tested.

This range of fees does not provide for new capital investment. It is AAA's belief that competent testing can be accomplished using existing testing ranges and ordinary streets and highways. Only if more sophisticated testing facilities are desired would higher fees have to be imposed.

Based on the following assumptions AAA arrived at a cost estimate of $20.00 to $40.00 for the state to administer the exam:

Assumptions

Examiner's salary	[1] $19,500
Benefits	[1] 3,900
Overhead	[1] 975
Total annual cost/per examiner	[1] 24,375
Divided by 2,080 hours	[2] 11.72
Daily cost of State examiner (8 hr./day)	[3] 93.75
Assuming 5 applicants per day	[4] 18.75

[1] Annual.

[2] Per hour.

[3] Per day.

[4] Per license applicant.

We are unable to reliably estimate the cost of setting up a central index. However, the index would cover only 2.5 to 3 million drivers and would comprise only a list of licenses issued, suspended, or revoked. It should therefore be possible to keep the program within a reasonable figure, certainly less than the current cost of the driver register.

Question. Indicate sources of funding for those costs including State sources, Federal Government sources, industry sources, and the individual drivers.

Answer. Compared with the costs of other occupational licenses, current license fees are low. States should raise license fees to cover the cost to the state of new testing procedures. An inquiry fee also could be charged to drivers based upon the number of checks made to either the central index or other states. This would defray the cost to states of their increased information exchange responsibilities.

Potential sources for funding the set-up and operation of the central index are Motor Carrier Safety Assistance Program (MCSAP) funds and 402 safety funds (highway safety funds issued pursuant to 402(c) of P.L. 89-564). Although these are bascially funds for distribution to states, portions to cover the administrative cost of the central index could be retained at the federal level in recognition of the fact that truck safety is a major objective of each program, particularly MCSAP. MCSAP funding is an especially promising source of funds given the current push to increase MCSAP authorizations, while 1986 state funding requests do not meet projected authorization levels.

Question. To what extent should each source bear these costs?

Answer. As noted earlier, costs associated with driving tests or other initial licensing costs should be borne by applicants through a one-time licensing and testing fee. State checks with the central index could be funded with a user fee imposed on the license applicant. The federal government should fund the operation of the central files through MCSAP or 402(c) funds.

Question. Who should be covered by the national or uniform commercial license program? Interstate and intrastate drivers?

Answer. Both interstate and intrastate drivers should be required to have a national commercial vehicle driver's license. Drivers must be equally competent in handling a heavy truck whether they operate in urban traffic and delivery operations or on the open road.

Just as importantly, it is essential that this system be a one-license, one-record system. Those essential dual objectives would be compromised by a distinction between intrastate and interstate truck drivers.

Finally, permitting a large exemption for intrastate drivers would open too large a loophole for drivers wishing to "fool the system." Too many interstate drivers would find a way to obtain numerous intrastate licenses, thereby continuing the current multiple licensing problem and possibly making it worse.

Question. Who should be covered by the national or uniform commercial license program? Drivers of vehicles with a gross weight of 10,000 pounds and above? 26,000 pounds and above?

Answer. AAA suggests that standards for a national commercial vehicle operators' license apply only to drivers of vehicles of 26,000 pounds GVW or more, i.e., heavy rather than medium-weight trucks. It is the larger, heavier truck that makes the most demands on its driver in terms of skill in maneuvering. Furthermore, by limiting coverage to drivers of vehicles over 26,000 pounds, the universe of people covered by the national licensing proposal is kept at a manageable number.

Question. Estimate the number of drivers that the program would include if your suggested coverage was adopted.

Answer. As noted earlier, a threshold of 26,000 pounds would result in a more mangeable number of drivers for whom licenses must be issued. AAA estimates that number to be only approximately 2.5 million to 3 million. That estimate is derived from a Department of Labor estimate and is buttressed by the following reasoning: The 1982 Truck Inventory and Use Survey estimated that there were 1,620,700 heavy trucks in use in 1982. Assuming 3 drivers for every 2 trucks (which we understand from industry sources is the generally-accepted, regulated-industry norm), the number of drivers would be 2.43 million drivers (1.5 × 1,620,700). Assuming also that there would be some seasonal truck drivers as well, we believe the 2.5 to 3 million estimate is reasonable.

Question. What is the most effective way of ensuring participation by all States in a national or uniform commercial license program?

Answer. The national licensing system should require state paticipation by including language enabling the Attorney General of the United States to initiate mandatory injunction proceedings against any state or person failing to fully carry out their responsibilities. Similar authority was granted to the Attorney General in the Surface Transportation Act of 1982 to ensure compliance with the vehicle length and width provisions of that Act.

Question. What steps must be taken during transition from the present system to a national or uniform license program?

Answer. All holders of a valid commercial driver's license should be permitted to apply for the National Drivers License as soon as they wish, or at their regular time of license renewal. A license would be issued to those applying under the "grandfather" provisions as long as each applicant provides evidence that he or she drove the type of vehicle for which the vehicle license is sought during the preceding three years, with at least one full year of driving experience with that vehicle during these three years. Valid medical certificates and certification of a good safety record would also be necessary.

Each applicant for a license under grandfathering must be checked through the central index so that no driver retains more than one license at time of renewal, or receives a license from one state while under suspension of revocation from another state.

Grandfathering, combined with phasing in the system by using already established renewal dates, would allow processing of national licenses for current drivers at a much slower, more manageable rate, than would be the case if acquisition of the national license was required for every driver within a certain period.

Of course, the negative side of a renewal system is that it would be at least four years from the initial implementation date before all current drivers would be issued a national license and entered into the central index. The very drivers this system is devised to weed out, those with multiple licenses to cover bad records, would undoubtedly be the last to apply for the national drivers license. But motor carriers could ameliorate this problem by requiring their employees to apply for the license within a one-year period.

New drivers should be required to obtain the national license as soon as possible.

Question. Is grandfathering necessary?

Answer. Yes, there is no practical way to implement this system without grandfathering, given current state personnel and economic limits.

The CHAIRMAN. Thank you, Mr. Archer.

Ms. Bontz.

Ms. BONTZ. Thank you, Mr. Chairman. Thank you for the opportunity to appear here today to present our views on S. 1903. Our statement also reflects the views of the South Dakota Independent Truckers Association.

We ask that our full statement be entered into the record and I would like to briefly summarize the statement.

Our associations are made up of truck owner-operators who dedicate their working lives to serving the American public by providing truck transportation. Truck safety is not just a pretrip inspection or a once-a-day routine to our members. It is a constant concern.

In recent years, we have seen highway safety diminish for a number of reasons and we want to see that situation reversed as quickly as possible and we are doing everything we can to bring that about.

We believe that S. 1903 addresses two major problems: the unqualified driver and the driver who seeks to hide his or her bad driving record by having multiple licenses. It is critical that the bad truck drivers are removed from the road, and we believe that establishing a uniform commercial drivers' licensing system will play a major role in accomplishing that.

Such a system will help to promote professionalism in the industry and it will weed out those who do not understand the responsibility they are assuming when they take to the road.

We advocate a Federal law limiting a commercial motor vehicle operator to only one license. We would prefer that the Federal Government issue licensing standards and that the States be required to follow those standards as they continue to issue drivers' licenses.

There should be a central data base listing the names of persons holding commercial vehicle operator licenses and the State should contact that data base to determine whether or not the person already holds a commercial vehicle license.

We are particularly concerned that there be uniform standards for licensing commercial motor vehicle operators and we believe that will play a large part in upgrading the quality of drivers on the road. Each driver should have to meet the same qualifications no matter what State issues the license.

We also are very concerned about the tests that are given to drivers and we believe that the written tests should also demonstrate that the applicant can read, write, and understand the English language and that he or she fully understands traffic laws, regulations, both State and Federal.

The road test should be performed in a highway situation that requires the applicant to demonstrate that he or she can safely handle the vehicle in heavy highway traffic, such as a major interstate expressway and in clogged city streets. Applicants for a commercial license should be required to prove that they are in good physical condition and we think that applicants should be tested for alcohol and drug use or dependency.

In summary, I would like to say that we believe, once again, the State should issue the licenses; the Federal Government should prescribe the standards; and that the Federal Government should maintain files with a unique identifier which is other than a number. We believe that the driver testing standards should be uniform, prescribed by the Federal Government, by DOT, and that the States should be required to maintain a record of commercial driver violations and operate adequate and expeditious systems of exchanging this information.

There are a couple of points that I would like to make with respect to the Motor Carrier Safety Assistance Program. I have in recent months been observing truck inspections in the State of Maryland and I would like to talk about that for a moment. I would like to draw your attention to the statistics which accompany my statement and I ask that anyone who reads them view them in the proper perspective, and that is that there are thousands of trucks that are going through those inspection stations that are in good operating condition and do not need inspections.

We are pleased with the way that the MCSAP is being administered in the State of Maryland. I, personally, observed some trucks being pulled off the road and inspected and put out of service. I think that the program is doing well and our association hopes that it will be reauthorized and that continued funding will be provided by the law.

It occurred to me as I was listening to the testimony this morning that alcohol is so accessible to truckers, and I wanted to draw your attention to the fact that in truck stops, the Nation's truck stops, that there is most usually a bar nearby or inside the truck stop. And I think it makes alcohol a little bit too accessible.

I thank you for accepting our statement.

[The statement follows:]

STATEMENT OF RITA BONTZ, PRESIDENT, MARYLAND INDEPENDENT TRUCKERS AND DRIVERS ASSOCIATION

Mr. Chairman and Members of the Committee: Thank you for the opportunity to appear before you to present our views on the "Commercial Motor Vehicle Safety Act of 1985" (S. 1903). Our statement also reflects the views of the South Dakota Independent Truckers Association, as expressed to me a few days ago by Dennis Snyder, the president of that organization.

Our Associations are made up of truck owner-operators who dedicate their working lives to serving the American public by providing truck transportation. Truck safety is not just a pre-trip inspection or a "once a day" routine to our members. It is a constant concern. In recent years, we have seen highway safety diminish for a number of reasons and we want to see that situation reversed as quickly as possible, and we are doing everything we can to bring that about.

We believe that S. 1903 addresses major problems: the unqualified driver and the driver who seeks to hide his or her bad driving record by having multiple licenses. It is critical that the bad truck drivers are removed from the road. We believe that establishing a uniform commercial driver licensing system will play a major role in accomplishing that. Such a system will help to promote a long needed return to professionalism in the trucking industry and it will weed out those who don't understand the responsibility they are assuming when they take to the road.

We see a uniform system as helping to keep the poorly trained driver from behind the wheel. Over time, we believe a properly designed and implemented system will eliminate the multipler drivers license problem. We believe that there will be a psychological effect in discouraging those persons who could never meet the qualifications from becoming truckers.

We advocate a Federal law limiting a commercial motor vehicle operator to only one license. We do not, however, advocate the establishment of a National Commercial Motor Vehicle Operator's License. Instead, we would prefer that the Federal Government issue licensing standards and that the States be required to follow those standards as they continue to issue the driver licenses.

There should be a central data base (most likely to be maintained by the U.S. Department of Transportation) listing the names of all persons holding a commercial vehicle operator license. The States should contact that data base at the time of application to determine whether or not the person already holds a commercial vehicle license. The States should maintain a record of driver violations and exchange that information with other States. We believe that this system would be an efficient way of eliminating the multiple license problem and identifying bad risk drivers.

Having uniform standards for licensing commercial vehicle operators would, we believe, play a large part in upgrading the qualify of drivers on the roads. A driver should have to meet the same qualifications no matter what State issued his or her license.

The question of how truck drivers should be licensed is a frequent discussion topic in our Association meetings. Since our meetings are held at one of the Nation's largest truck stops, we are fortunate in being able to get the views of many truckers from all parts of the country. Over the months that we have discussed this matter, we have heard drivers agree that there is too much variance in the standards for granting a license to operate a commercial vehicle.

Some States will issue a commercial license to anyone who holds a valid license to drive an automobile without requiring a driving test. The driving test should consist of both a written test and a demonstration of driving ability. We believe that the applicant should not be allowed to have any regulation or reference books with him or her when taking the written test for a commercial motor vehicle license. We believe that the written test should demonstrate that the applicant can read, write, and understand the English language, and that he or she fully understands traffic laws and regulations, both State and Federal.

The road test should be performed in a highway situation that requires the applicant to demonstrate that he or she can safely handle the vehicle in heavy highway traffic (such as a major interstate expressway) and in clogged city streets. Some road tests, we hear, are required but never performed.

Applicants for a commercial license should be required to prove that they are in good physical condition. We think that each applicant should be tested for alcohol and drug abuse or dependency and that truckers should be retested at least once a year. Truckers speaking at our meetings overwhelmingly agree that alcohol and drug testing is needed and they welcome mandatory testing for new and current drivers.

Applicants for a commercial vehicle operator's license should be denied the license until they can meet the written, road, and medical testing.

As far as truck driver training, we think that minimum Federal standards should be set for classroom and actual driver training. But greater emphasis should be placed on "on-the-job" training. The instruction, whether it is through a certified training school or training by a friend or relative as is often the case, should be adequate to make sure the trainee can perform certain specified tasks. The "instructor" should certify in writing that the student is qualified to take an examination for the license, and the "instructor" should assume a certain amount of legal responsibility. Training a driver is a very serious matter.

The best driver training was the old system when a driver was "apprenticed" to an experienced driver. For example, when my husband became a trucker in 1955, he went to work for the McLean Trucking Company. After his week of classroom training, he was put on a truck with a trainer-driver for 30 days and then "apprenticed" to an experienced driver for another 90 days. Some of our best drivers on the road today were similarly trained by experienced drivers.

If a central file were established listing commercial motor vehicle operators, most truckers that we have talked with agree that the file should contain only commercial driving information. A unique identifier would be necessary, and we would suggest that fingerprints or voice prints be used rather than numbers because of the potential for mixing or transposing numbers.

We believe that all commercial vehicle operators should be covered by a national, uniform system whether they are interstate or intrastate drivers. The system should include drivers of vehicles with a gross weight of 26,000 pounds and above. The new system should be put in effect as soon as possible. In order to facilitate such a massive undertaking we would suggest phasing in over a period of 18 months. To provide an extended period of implementation or "grandfathering" would, in our opinion, diminish the effectiveness of the system.

We do not find ourselves in the position to estimate the cost that would be associated with establishing a uniform commercial vehicle drivers licensing program. We would suggest, however, that it be shared by Federal and State governments and those who become licensed under the program. Truckers have indicated in our discussions with them that they would expect to pay several times more than the present cost of a license, and they quickly justify that by citing the benefits to highway safety. Truckers probably have the most to gain from weeding out the bad drivers. After all, a trucker's workplace is the Nation's highway system.

To summarize our opinions on a uniform commercial drivers licensing system, we advocate the following:

The States should issue commercial drivers licenses.

The Federal Government should prescribe the standards and guidelines for licenses to insure uniformity and the Federal Government should maintain the identifier files with a unique identifier which is not a number.

Driver testing standards should be uniform and prescribed by the Federal Government.

The States should be required to maintain a record of commercial driver violations and operate adequate systems of exchanging this information between the States.

We do not advocate the creation of the Commercial Motor Vehicle Safety Fund. We would prefer monies collected for violations continue to be credited to the Highway Trust Fund.

On other matters related to truck safety, we believe that the Motor Carrier Safety Assistance Program is helping to improve safety on the highways through the inspection of equipment and drivers. We ask the Congress to continue authorizations for this program and we agree with the authorizations as proposed in S. 1903.

But, we do not advocate more random inspections. We believe that well-trained inspectors are capable of selecting equipment that should be inspected. To place greater emphasis on random inspections would, in our opinion, diminish the effectiveness of the present program. The inspection program appears to be doing well. We are submitting, for the record, some statistics on the inspections that took place in Maryland between January 1 and May 31, 1986.

Thank you again for the opportunity to present our views in person. We will be pleased to try to answer your questions.

VEHICLE INSPECTIONS BY MARYLAND STATE POLICE, JANUARY-MAY 1986 [1]

Vehicles inspected (1,780)	Violations (12,184)	Out of service (1,287)
Driver:		
Hours of service	564	117
Medical certificate	102	0
All other	191	3
Vehicle:		
Brakes	5,012	887
Coupling device	29	0
Exhaust	68	0
Fuel system	142	10
Frame	62	2
Lighting	2,313	70
Steering	496	24
Suspension	801	117

VEHICLE INSPECTIONS BY MARYLAND STATE POLICE, JANUARY–MAY 1986 [1]—Continued

Vehicles inspected (1,780)	Violations (12,184)	Out of service (1,287)
Tires	958	44
Warning devices for stopped vehicles	157	1
Wheels (studs, clamps, etc.)	157	1
All other	1,285	1
Hazardous materials:		
Shipping papers	41	3
Improper placarding	67	7
No retest/inspection of tank	17	0
Accepting improperly labeled shipment	17	0
Use of nonspecification container	0	0
Miscellaneous	5	0

[1] Information received by telephone conversation.

The CHAIRMAN. Thank you very much. Ms. Bontz.

Mr. Eisenhart.

Mr. EISENHART. Thank you, Senator Danforth.

The American Association of Motor Vehicle Administrators very much appreciates the opportunity to be here this morning to comment on truck driver safety from the perspective of State licensing officials.

As you have been told already this morning, there have been a number of formal and less formal discussions on these issues since the introduction of S. 1903. We are convinced that these discussions have indeed been fruitful. The groups involved in them have reached a consensus in some important areas. For example, as we were told a few minutes ago, there is agreement that there needs to be a uniform commercial driver licensing system. No question about that.

Second, there is strong agreement that this system should not include Federal issuance of driver licenses. This function is best performed by the States. Duplication of existing licensing and adjudication systems and redundant data bases is not a cost-effective means of addressing this problem.

This is not to say in any way that the States have done all they should have done. This is clearly not the case. Our association has long supported universal adoption of the driver license compact and the classified licensing system developed jointly by our association, the Council of State Governments, and the Department of Transportation.

One hundred percent participation in these important and viable State initiatives would go a long way to solving the multiple license problem. Currently, 31 States belong to the compact and 33 utilize some form of classified licensing.

Voluntary State action is clearly the preferred means of achieving the end result. We recognize, however, that national leadership is also required. For this reason, we have suggested that uniform national standards for the licensing of commercial drivers be developed by consensus group, including representatives of the States, the private sector, and the Federal Government under the coordination of the Secretary. These standards should be based, to the extent possible, on good programs already in place.

We believe the compact and the classified licensing system can provide a good basis on which to build these standards. State licensing and public safety agencies would administer and enforce the standards, eliminating a need for a new Federal bureaucracy.

Additionally, any additional uniform national licensing system needs to include a secure system for uniquely identifying commercial drivers so that we know a driver is who he says he is when he comes to the counter to apply for a license both initially and thereafter when he changes his State of residence.

Equally important to any effective national system in our view is the development of a system to allow for the electronic transfer of motor vehicle related information among jurisdictions. While it is imperative that this system ultimately encompass the entire spectrum of motor vehicle administration, one of our initial objectives must be to provide critical operational support for ensuring that each driver of commercial vehicle has only one State-issued commercial driver's license.

Some have recommended that a central file be set up to include a list of all commercial drivers operating vehicles over a certain weight limit. While we have no objection to this as far as it goes, we want to emphasize that a list of truck drivers with identifying information by itself is in our view going to do very little to solve the multiple license problem.

How would the driver information be included in the list? How would States access the list? If it is envisioned that the States will supply the data and access the file via paper reports and requests transmitted by mail, we fear that the list would be of limited usefulness. We are likely to get the same complaints that we have had in the past about the National Driver Register; that it has been too burdensome and time-consuming to use. The response time has been too slow and it needs to be put on line as soon as possible.

Thanks largely to this committee and to your leadership, NHTSA is now in the process of fully automating the National Driver Register. In order to be effective, the same thing will need to be done with the central list of truck drivers and adequate funds will need to be directed to that purpose.

As important as improved control of the commercial driver is, we need also, I think, to put this problem into perspective relative to the multitude of problems faced by State administrators. State licensing officials are charged by law with providing a total program of driver license services. The commercial driver is but one of many issues we must concern ourselves with. We simply cannot afford to focus our attentions solely on one program without affecting other programs of equal priority: younger drivers and their over-representation in accidents; older drivers and the unique problems they represent in an aging society; the handicapped driver; the drinking driver; recidivism; rehabilitation; financial responsibility; records systems; driver license fraud; applicant identification; personnel selection and training—just a few of the priority programs to which an administrator's time and resources are devoted today.

A fact of life is that the emphasis on these priorities will shift depending on available time, resources, and perceived local need. A number of State licensing agencies today are absorbing dramatic cuts in funding and personnel. If we are serious about addressing the multiple license problem of commercial drivers, it seems to us that we must limit the cost, personnel and paperwork burdens that will be involved in any effective effort.

That is why in our view the rapid exchange of accurate information is absolutely critical to the success of the national uniform system.

Second, a central file would have limited effectiveness and might even be counterproductive without the use of a unique identifier. How many John Smiths drive trucks? You can imagine, I think, the reaction of a license applicant named Smith who has just moved from another State, has a clean driving record and depends on his license for his livelihood, when he is informed by his new DMV that his license will not be renewed because John Smith has multiple violations in another jurisdiction.

Unless the system is automated, this is after he has waited 6 weeks or 7 weeks or longer, while the DMV has had to write to Washington to check the central file, wait for a reply, and then write to each State identified by the central file as a place where John Smith has a driving record.

By the same token, lack of a unique identifier will make it very easy in our view for unscrupulous drivers to circumvent the system. Any system that can effectively deal with the problems of truck driver safety is going to require resources. The problem simply cannot be resolved on the cheap. We may get legislation through; we may have national standards; we may have a central list of truck drivers. We can congratulate ourselves on what we have accomplished, but without the necessary operational support mechanisms, the system in our view will not be effective.

The operational mechanisms unfortunately have costs associated with them. Automating the system may well be the biggest expense. Obviously, it will also cost something to upgrade State licensing testing procedures.

I wish I had a better estimate of these costs at this time. We are currently in the process of conducting a study which we hope will give us good estimates of these costs. However, we do not think they are going to be overwhelming for the kind of system we envision wherein the States retain the administrative and operational responsibility.

The CHAIRMAN. I am going to ask you if you can wind up your testimony, please, Mr. Eisenhart.

Mr. EISENHART. Yes, sir. I am just about finished.

We do not think the costs would be overwhelming for a system where the States retained the administrative and operational responsibilities.

Finally, I would like to say that we feel the best way of ensuring effective participation by the States is through a cooperative Federal, State and private sector approach. Such an approach in our view precludes the threat of highway sanctions and any unnecessary preemption of State prerogatives.

It involves the recognition that the States require assistance in improving already overburdened driver control systems covering 150 million drivers nationwide.

Thank you, Senator.

[The statement follows:]

STATEMENT OF EARL B. EISENHART, DIRECTOR OF LEGAL SERVICES, AMERICAN ASSOCIATION OF MOTOR VEHICLE ADMINISTRATORS

The AAMVA appreciates this opportunity to comment on motor carrier safety.

Our Association represents the motor vehicle administrators and chief law enforcement officials of the individual states, provinces and territories of the U.S. and Canada. As such, our members, among other responsibilities, have direct operational responsibility for the licensing of drivers, and titling and registration of highway vehicles, including motor carriers. Our public safety officials, of course, have the task of enforcing motor carrier safety laws.

On January 23rd of this year, the AAMVA sponsored, together with the Highway Users Federation, and DOT, a National Forum on the Driver License Compact and Classified Licensing System, with a focus on the commercial operator.

More than 150 highway safety leaders, from federal and state government, as well as the private sector, took part in the forum.

Since that time there have been a number of formal, and less formal, meetings of representatives of the interstate trucking and bus industry, the casualty insurance industry, other highway users, the federal government, and state motor vehicle administrators, to seek common ground on the issue of truck driver safety.

These discussions have been fruitful. These groups have reached a consensus in some important areas.

For example, there is agreement that there needs to be a uniform commercial driver licensing system. Second, there is strong agreement that this system should not include federal issuance of driver licenses. This function is best performed by the states. Duplication of existing licensing and adjudication systems and redundant data bases is not a cost-effective means of addressing this problem.

This is not to say that the states have done all they should have done. Our Association has long supported universal adoption of the Driver License Compact and the Classified Licensing System. 100% participation in these important, and viable, state initiatives would go a long way to solving the "multiple license" problem. Currently, 31 states belong to the Compact, and 33 utilize some form of classified licensing.

What are these state initiatives?

The Driver License Compact provides for recognition by one state of another state's conviction of a driver for a serious traffic offense. It treats that out-of-state offense as though it had occurred in the home jurisdiction. A key objective is implementation of the one-license, one-record concept.

The Classified Licensing System, also long advocated by the AAMVA, is based on the recognition that certain kinds of driving call for special skills, knowledge and other qualifications beyond what is necessary for performance of the basic driving task. For example, operators of heavy commercial vehicles should be qualified through training or experience and should be tested and licensed for the type of vehicle they intend to drive.

In order to achieve full participation we need the active support of the federal government and the private sector. We are greatly encouraged that Secretary Dole has vigorously expressed her support. The interstate trucking and industry, the casualty insurance industry, the Highway Users Federation, AAA, and others should also be commended for making 100% participation in these programs a top priority.

Voluntary state action is clearly the preferred means of achieving the end result. However, national leadership is also required. As such, we have suggested that uniform national standards for the licensing of commercial drivers be developed by a consensus group, including representatives of the states, the private sector, and the federal government under the coordination of the Secretary. These Standards should be based on viable programs already in place: the Driver License Compact and the Classified Licensing System. State licensing agencies, would administer and enforce these standards, eliminating any need for new federal bureaucracy.

In addition to the concepts embodied in the Driver License Compact and the Classified Licensing System, a uniform national program needs to include, at a minimum, a universally recognized definition of "commercial driver" and a secure system for uniquely identifying commercial drivers so that we know a driver is who he says he is when he comes to the counter to apply for a license both initially, and thereafter, when he changes his state of residence.

Equally important to any effective national system, in our view, is the development of a concept which we have been exploring for a number of months, in consultation with the casualty insurance, interstate trucking industries and others. This concept is a nationwide telecommunications system for motor vehicle administrators which will allow for the electronic transfer of motor vehicle related information among jurisdictions. While we envision that this system will ultimately encompass the entire spectrum of motor vehicle administration, one of our initial objectives will be the full implementation of the one-license one-record concept—very simply the idea that no driver should have more than one license or one record. Such a system is of critical importance. We have found that despite good faith and the best intentions there is a serious problem when we rely on paper transactions for interstate communications.

Another point which must be made is this: As important as improved control of the commercial driver is, we need to put this problem in perspective relative to the multitude of problems faced by state administrators.

State licensing officials are charged by law with providing a total program of driver license services. The commercial driver is but one of many issues we must concern ourselves with. We simply cannot afford to focus our attention solely on one program without affecting other programs of equal priority.

Younger drivers and their over-representation in accidents; older drivers and the unique problems they represent in an aging society; the handicapped driver, the drinking driver; recidivism, rehabilitation, financial responsibility, record systems, driver license fraud, applicant identification, and personnel selection and training are just a few of the priority programs to which an administrator's time and resources are devoted.

A fact of life is that the emphasisan these priorities will shift depending on available time, resources and preceived local need. If we are serious about addressing the multiple license problem of commercial drivers, we must limit the cost, personnel and paperwork burdens that will be involved in any effective effort.

This is precisely why one of our initial objectives in putting together an electronic information exchange system for motor vehicle administrators is to provide critical operational support for ensuring that each driver of a commercial vehicle has only one state-issued drivers' license. If, instead, we look for a solution that is dependent on paper transactions, and communications by mail, it will be very difficult, in our view, to find a system that works.

I want to make clear that control of the commercial driver is not the only function of the data exchange system we envision.

In fact, we have 18 items which we have identified that could be facilitated by this kind of interstate communications system and they go beyond licensing. They certainly go beyond the commercial driver.

They include among other things support for the Non Resident Violator Compact; support for tracking vehicle histories; (This includes titles, theft, and odometer fraud); support for expediting special operating permits for commercial vehicles; support for NCIC file checks; support for administrative and electronic mail transactions; support for the International Registration Plan (IRP); and the capability for storing information on a regional basis.

The first step in this process of developing a telecommunications system is the performance of a cost-benefit feasibility study.

Earlier this year, the AAMVA released an RFP for this study. A bidder has now been tentatively selected. Unfortunately, while we believed that we had solid commitments from the private sector to fund this study, at this date we do not have sufficient funds for completion. We are hopeful that such resources will be made available soon.

Some have recommended that a central file be set up to include a list of all commercial drivers operating vehicles over a certain weight limit. While we have no objection to this, as far as it goes, we want to emphasize that a list of truck drivers by itself is going to do very little to solve the multiple license problem. We assume that, like the NDR, this list would contain limited identifying information, and would simply direct inquirers to a state where a previous record exists. How would the driver information be included in the list? How would states access the list? If it is envisoned that states will supply the data and access the file via paper reports and requests transmitted by mail, we fear that this list will be of limited usefulness. We will get the same complaints about this system that we have had in the past about the NDR—it is too burdensome and time consuming to use, the response time is too slow and it needs to be put "on-line" as soon as possible. NHTSA is now in the process of fully automating the NDR. In order to be effective, the same thing will need to be done with a central list of truck drivers, and funds will need to be directed to that purpose.

Secondly, a central file would have limited effectiveness, and might even be counterproductive, without the use of a unique identifier. How many "John Smiths" drive trucks? We can imagine, I think, the reaction of a license applicant named Smith who has just moved from another state, has a clean driving record, and depends on this license for his livelihood, when he is informed by his new DMV, that his license won't be renewed because "John Smith" has multiple violations in another jurisdiction. And this is after he has waited six or seven weeks or longer while the DMV has had to write to Washington to check the central file, wait for a reply, and then write to each state identified by the central file as a place where "John Smith" has a driving record. By the same token, lack of a unique identifier will make it easier for unscrupulous drivers to circumvent the system.

Any system that can effectively deal with the problems of truck driver safety is going to require resources. This problem is not going to be resolved "on the cheap". We may get a piece of legislation through Congress; we may have national standards; we may have a central list of truck drivers. And we can all congratulate ourselves on what we accomplished. But without the necessary operational support mechanisms, the system will not be effective. And the operational mechanisms have costs associated with them. Automating the system may be the biggest expense. Obviously, it will also cost something to upgrade state licensing and testing procedures. While we cannot provide a very good estimate of these costs at this time, we do not think they will be overwhelming for the kind of system we envision, wherein the states retain the administrative and operational responsibility for issuing licenses. The feasibility study referred to above should help answer this question of costs.

Start-up costs for an effective uniform national system may well need to be borne by the federal government. Once the system is operational, it should be supported, to the extent feasible, by user fees. Employees, drivers, insurers, and other users of the system should pay a signficant portion of the costs of operation.

The best way of insuring effective participation by the states in a uniform national licensing system is through a cooperative federal-state and private sector approach. Such an approach precludes the threat of highway-aid sanctions and any unnecessary preemption of state prerogatives. It involves a recognition that the states require assistance in improving already overburdened driver control systems covering 150,000,000 drivers nationwide.

The **Chairman**. Thank you.

Mr. O'Connell.

Mr. **O'Connell**. Chairman Danforth and committee staff, I am appearing today on behalf of the Owner-Operator Independent Drivers Association of America. The association is a nonprofit corporation based in Oak Grove, MO. Members of the association are small business men and women who operate individual heavy duty trucks and small fleets.

OOIDA is a national trade association that represents over 7,000 members at the State and Federal level. OOIDA feels that, as currently structured, the commercial motor vehicle driver licensing laws in most States are inadequate and that they contribute to the problem of highway safety rather than to the solution. These laws often permit potential commercial vehicle drivers to obtain licenses and to operate commercial vehicles with minimal testing of knowledge and often no testing of driver skills.

The net result of the present system is that inexperienced and unskilled drivers are given responsibility for hauling cargoes, including hazardous materials.

The association applauds the efforts of the committee to establish a uniform national operator's license. It is the position of the association that the most appropriate body to issue such a license is the State of residence of the individual driver, but that licensure in the individual States should be subject to uniform national minimum standards for qualification, testing, classification of motor vehicle operators.

As part of a national motor vehicle license standard, the association feels that it is essential that adequate and uniform tests of both knowledge and driving skills be administered in all States to determine whether the motor vehicle operator is actually capable of safe operation of the type of commercial vehicle that he chooses to drive.

OOIDA feels that a national standard must be established quickly and therefore commends to the committee consideration of the recently released truck operator qualification exam from the National Highway Traffic Safety Adminstration.

In addition to testing of basic knowledge and driving skills, the association views as essential the need for commercial vehicle operators to possess more advanced knowledge of a specific vehicle to be operated. The handling characteristics of commercial vehicles vary widely depending on the type of equipment, differing highway traffic and weather conditions. Therefore, the association feels that as part of any uniform national licensing system, a means must be established to certify the individual driver's ability to operate specific types of equipment and that there should be an indication on the license of the type of equipment for which that driver is qualified to operate.

While the Commercial Motor Vehicle Safety Act does not specifically address the issue of driver training, the association maintains that this is an issue that is of critical importance to highway safety. We feel that establishing good safety habits early in a driver's career is the best way to ensure overall safety. Therefore, we would encourage the committee to consider adoption of a requirement that all entry level commercial vehicle operators seeking licenses under the new uniform standard be required to complete a course of study in an accredited truck driver training program.

The proposed legislation establishing a uniform commercial vehicle license provides for the establishment of a national clearinghouse for data related to driving records of individual drivers. The association feels that such a clearinghouse will aid greatly in identifying and eliminating problem drivers from the highways and assist in easing the current insurance problem.

The association also feels that as part of the national clearinghouse system, there must be safeguards to permit drivers to review their individual records and to challenge these records should they identify an error.

While the association recognizes that driver training and skills are vital to highway safety, it also recognizes the important role of vehicle safety in the overall equation. The association feels that a properly administered vehicle inspection program can contribute greatly to highway safety.

The overall effectiveness of vehicle inspection program depends heavily on the adequacy of training of the inspectors. In this regard the association commends to the committee's attention the commercial vehicle safety alliance program which is an attempt among several States to standardize the current system of random vehicle inspections. It eliminates duplicate inspections where stickers are recognized reciprocally and ensures the competence of inspectors.

The association feels that the resources available for vehicle inspection are most efficiently used when the greatest number of trucks are actually inspected and therefore favors an inspection system which is recognized by other jurisdictions for a period of time in which a sticker may be affixed to the commercial vehicle following inspection.

In recent years there has been a growing concern regarding the use of alcohol and controlled substances in the workplace overall. With larger commercial vehicles increasing highway congestion, increased transportation of hazardous materials and the frequency with which large trucks travel through congested urban areas, serious concerns have been raised regarding substance abuse among commercial vehicle operators.

It is the association's position that alcohol and controlled substance abuse in commercial vehicle operations is a situation which cannot be tolerated. Therefore, the association favors the testing for alcohol and controlled substances when probable cause exists.

Association members also have received reports from a number of their members that there are few truck stops along the Nation's highways at which drugs are not readily available and advertised over CB radios. We feel that the most important first step that could be taken to control the drug problem among commercial drivers is to clean up these operations.

I had the opportunity, unfortunately, in the State of Missouri to witness this on a recent trip. We drove into a truck stop and were listening to a CB where different people were advertising different types of drugs along the line of trucks parked at the truck stop over the CB, and as drivers were coming in they were asking what was available at that particular truck stop.

The CHAIRMAN. What was the name of the truck stop?

Mr. O'CONNELL. I do not remember. It was a truck stop in western Missouri.

The CHAIRMAN. Where?

Mr. O'CONNELL. In western Missouri.

The CHAIRMAN. On what highway?

Mr. O'CONNELL. I believe it was on 70.

The CHAIRMAN. Thank you.

Mr. O'CONNELL. I appreciate the opportunity to present the views of the association.

[The statement follows:]

STATEMENT OF THE OWNER-OPERATOR INDEPENDENT DRIVERS ASSOCIATION OF AMERICA, INC.

Chairman Danforth, members of the Committee, I am Michael O'Connell of the law firm of Collier, Shannon, Rill & Scott, counsel to the Owner-Operator Independent Drivers Association of America, Inc. ("OOIDA" or "Association"). This statement is submitted on behalf of OOIDA and its members.

The Owner-Operator Independent Drivers Association of America is a nonprofit corporation incorporated under the laws of the state of Missouri, with its principal place of business in Oak Grove, Missouri. The members of the Association are small business men and women who own and operate individual heavy duty trucks and small truck fleets. The Association is a national trade association with over 7,000 individual members. OOIDA represents the interests of independent owner-operators at both the federal and state levels. The Association has members in all states except Hawaii, and in several Canadian provinces.

OOIDA is very active in the area of highway safety. Its representatives participate on various committees of the National Academy of Sciences, the National Governors Association, the Trucking Industry Alliance, the American Association of State Highway and Transportation Officials, the Professional Truck Driver Institute of America, the Commercial Vehicle Safety Alliance and the U.S. Department of

Transportation's Motor Carrier Advisory Committee. In addition, OOIDA sponsors several programs that provide various services to its members.

The issue of highway safety is of vital concern to the Association and its members. Therefore, I appreciate the opportunity to appear before the Committee to present the views of owner-operators and the Association on the Commercial Motor Vehicle Safety Act of 1985.

UNIFORM COMMERCIAL MOTOR VEHICLE OPERATORS LICENSE

OOIDA feels that, as currently structured, the commercial motor vehicle driver licensing laws in most states are inadequate, and that they contribute to the problem of highway safety rather than the solution. These laws often permit potential commercial vehicle drivers to obtain licenses and to operate commercial vehicles with minimal testing of knowledge, and often no testing of driving skills. The net result of the present system is that inexperienced and unskilled drivers are given responsibility for hauling cargo (including hazardous materials) on the increasingly congested highways of the United States.

The Association applauds the efforts of this Committee to establish a uniform national commercial vehicle operators license. It is OOIDA's position that the most appropriate body to issue such a license is the state of residence of the individual; but that licensure in the individual states should be subject to uniform national minimum standards for qualification, testing and classification of commercial motor vehicle operators. The lack of uniformity among the states in the area of commercial driver licensing has led to the unfortunate situation in which a persistent but unskilled individual can obtain a license and operate a commercial vehicle without demonstrating that he or she is capable of actually operating that vehicle.

As part of a national motor vehicle license standard, the Association feels that it is essential that adequate and uniform tests of both knowledge and driving skills be administered in all states to determine whether the motor vehicle operator is capable of safe operation of a commercial motor vehicle. In this regard, the National Highway Traffic Safety Administration has recently released its Truck Operator Qualification Examination ("TORQUE") test. While this test has not been validated as to its efficacy in measuring driver skills, it is OOIDA's position that a national standard must be established quickly. Therefore, OOIDA feels that the TORQUE test, or a variant thereof, should be adopted as a starting point for developing a national standard for evaluating operators of commercial vehicles.

In addition to testing basic knowledge and driving skills, the Association views as essential the need for commercial vehicle operators to possess more advanced knowledge of the specific vehicle to be operated. The handling characteristics of commercial vehicles vary widely depending on the type of equipment in use, and differing highway, traffic, and weather conditions. To ensure safe operation, commercial drivers must be familiar with the controls and operating characteristics of the various types of vehicles that they seek to operate. Therefore, OOIDA feels that as part of any uniform national licensing system, a means must be established to certify the individual drivers' ability to operate specific types of equipment under driving conditions. The Association feels that all drivers should be road tested in the type of vehicle for which he or she seeks certification, and that the class of vehicle for which a driver is certified should be indicated on the license. Persons who have not qualified in a specific type vehicle should be barred from operating such vehicles.

While the Commercial Motor Vehicle Safety Act does not specifically address the issue of driver training, the Association maintains that this is an issue that is of critical importance to highway safety. Therefore, OOIDA encourages the Committee to consider adoption of a requirement that all entry-level commercial vehicle operators seeking licenses under the uniform standard be required to complete a course of study in an accredited truck driver training program. OOIDA feels that the curriculum of any such training program should follow the guidelines recently established by the Federal Highway Administration, and that the program should be accredited as adequate under the truck driver training school accreditation program currently being developed by the Professional Truck Driver Institute of America.

The proposed legislation establishing a uniform motor commercial vehicle license provides for the establishment of a national clearinghouse for data related to the driving records of individual drivers. OOIDA feels that such a clearinghouse will aid greatly in identifying and eliminating problem drivers from the nation's highways, and assist in easing the current insurance problem. However, increased reporting and data gathering in a central location also affords increased opportunities for error. Just as the system will be of substantial assistance in eliminating the problem driver, it also presents the opportunity to unjustly penalize good drivers.

The Association feels that as part of the national clearinghouse system, there must be safeguards to permit drivers to review their individual records, and to challenge these records should an error be identified. If such a clearinghouse is used to disqualify commercial drivers, it will deny them the opportunity to pursue their chosen profession. Therefore, OOIDA feels strongly that concepts of due process must guide the operation of the information clearinghouse.

As part of the transition from the present system of state licensing to the uniform commercial motor vehicle operators license, OOIDA feels that drivers currently holding valid licenses should be required to comply with the new federal standards on the next renewal date of their state licenses. Because of the current large number of commercial drivers, the Association fears that an attempt to quickly convert all drivers to a new system would lead to substantial confusion, backlogs, misunderstandings, and reduce acceptance among drivers and the states of the new system. However, the Association would favor expedited testing of those drivers convicted of at-fault accidents or found guilty of perjury or a serious moving violation within the last three years.

VEHICLE AND DRIVER INSPECTIONS

While the Association recognizes that driver training and skills are vital to highway safety, it also recognizes the important role of vehicle safety in the overall equation of highway safety. OOIDA feels that a properly administered vehicle inspection program can contribute greatly to highway safety.

The Association feels that the overall effectiveness of the vehicle inspection program depends heavily on the adequacy of training of the vehicle inspectors. In this regard, the Association applauds the efforts of the Commercial Vehicle Safety Alliance ("CVSA"), which is an attempt among several states to standardize the current system of random inspections, reduce duplicate inspections and ensure the competence of inspectors.

OOIDA feels that the resources available for vehicle inspectors are most efficiently used when the greatest number of trucks is actually inspected. The Association favors an inspection system that is recognized by other jurisdictions for a period of time in which a sticker may be affixed to the commercial vehicle following inspection. Such a system eliminates the multiple inspections of the same vehicle absent (in reciprocating jurisdictions) a specific reason for a second inspection, and permits more efficient use of resources. The Association recommends that the Committee require either as part of the proposed legislation or as a recommendation directed to the states, the individual states to adopt a program such as CVSA, or a similar program that will standardize vehicle inspections, ensure adequate training of inspectors, and minimize duplicate inspections.

In recent years, there has been a growing concern regarding abuse of alcohol and controlled substances in the workplace. With larger commercial vehicles, increasing highway congestion, increased transportation of hazardous materials and the frequency with which large trucks travel through congested urban areas, serious concerns have been raised regarding substance abuse among commercial vehicle operators. In response to this concern, many fleet operators have begun to screen prospective and existing employees for alcohol and controlled substance abuse either prior to employment, or as part of their annual physical examinations. Such programs can help to eliminate substance abusers from the operation of commercial motor vehicles. However, the stigma attached to failing such a test dictates that these tests must be administered with extreme sensitivity to the interests of the parties involved, whether they are administered by private parties or governmental entities.

It is the Association's position that alcohol and controlled substance abuse in commercial vehicle operations is a situation which cannot be tolerated. OOIDA supports testing for the use of alcohol and controlled substances in those instances in which probable cause exists for such testing, provided that due process is observed. Once again, because of the stigma attached to an affirmative finding in such inspections, the Association urges diligence in their use.

I appreciate the opportunity to present the views of the Association. The Association and its staff stand ready to assist the Committee in its deliberations regarding the Commercial Motor Vehicle Act of 1985.

The **Chairman**. Thank you very much.

What is the opinion of this panel on the weight criterion for the licensing: 10,000, 26,000 starting at 26,000, and phasing down? Do you have an opinion on that?

Mr. ARCHER. Speaking for AAA, I think strongly it should be 26,000 pounds and it should not be phased down. The serious problem with pertain to combination vehicles, which are rated at 26,000 pounds and above. The second problem with coverage below 26,000 pounds is that you increase substantially the number of people you are trying to cover. If you do that you are going to create administrative problems in the central file that we have had with the National Driver Register.

Also, who you cover if you license down to 10,000 pounds is another concern. As I read the draft, if I rent a panel truck to move, and the panel truck is rated at 10,001 pounds—and they often are—I am a commercial vehicle operator for purposes of the draft. I think that is a problem

The CHAIRMAN. Are there any other views on this?

Mr. EISENHART. Senator, our policy currently calls for 24,000 pounds. However, my sense of what our membership would do is, they would agree to a 26,000 pound cutoff. Again, I think this system from the perspective of the operational and administrative work that needs to be done, we will have a hard enough time with those drivers at 26,000 pounds and above. So we would, I believe, support the 26,000 pound cutoff.

The CHAIRMAN. Is there any other opinion?

Ms. BONTZ. We support 26,000.

Mr. O'CONNELL. We would also.

The CHAIRMAN. Twenty-six for both of you.

Now, how about the distinction between interstate and intrastate vehicles and drivers? Does it make sense to make such a distinction or is a truck a truck?

Mr. EISENHART. Senator, our association has not taken a position on that for this particular piece of legislation. However, from my perspective, I think that probably in the final analysis, it does not make a lot of difference. A State licensing official is not likely to have a dual system of licenses for intra- and interstate drivers. He or she has absolutely no way of knowing when an applicant arrives at the counter whether that driver will be driving inter or intra.

Mr. ARCHER. Respectfully, we would strongly disagree with that. We think the problem with that logic is while a number of States would treat all drivers the same, there would always be a minority—as there has been in every State initiative, whether it is the Compact, the Driver Registry, and so forth—that would not do that.

If you allow intrastate licenses you create a second system. By doing that you are mandating multiple licenses. Such a dual system could even create more multiple licensing than we have today.

The CHAIRMAN. I am sorry. Did you say you disagree?

Mr. ARCHER. Maybe I misunderstood Mr. Eisenhart.

The CHAIRMAN. He said he does not think there should be a distinction.

Mr. ARCHER. I strongly agree with that. Earlier I was reacting to what I thought was his statement.

If you exempt the intrastate vehicle operator, then you are exempting about 50 percent of the hazardous waste materials transportation in this country.

For instance, tank trucks hauling gasoline are hard to drive and have an average estimated trip length of 28 miles, and therefore are predominately intrastate shipments. That's important because they carry about 30 percent of all the hazardous materials shipments in the country.

The CHAIRMAN. Ms. Bontz, what is your view?

Ms. BONTZ. I do not think that there should be a distinction.

The CHAIRMAN. Mr. O'Connell.

Mr. O'CONNELL. The association feels strongly that it should apply to both. And if I might add, unlike ATA, we also feel that the single license should be a single license and that any points that are accrued on personal driving time should apply to the commercial license as well.

The CHAIRMAN. Do you agree with that, Mr. Eisenhart?

Mr. EISENHART. I just would like to clarify a little bit what I said. What I meant to say if I didn't say it was that regardless of whether we put interstate or intrastate—if we include intrastate in the legislative language—that the States are not going to have dual systems of licensing.

So from that perspective——

The CHAIRMAN. As a practical matter then it is all the same?

Mr. EISENHART. That is correct.

The CHAIRMAN. How about Mr. O'Connell's point about points on an individual's license counting against both?

Mr. EISENHART. We believe that if you have an infraction in a personal vehicle or you have it in a commercial vehicle, that it should count against the driver's record in either case.

The CHAIRMAN. Ms. Bontz.

Ms. BONTZ. We, at this time, believe that it should be just limited to the commercial person.

The CHAIRMAN. How about you, Mr. Archer?

Mr. ARCHER. We would strongly believe it should just be one record, commercial and noncommercial. When you have one record and one license, you solve the problem. If you don't do that, you don't solve the problem.

The CHAIRMAN. How about the 0.04 blood alcohol content level and the early callback problem? Does anyone have any thoughts on this? How about you, Mr. Eisenhart?

Mr. EISENHART. Our association has not taken a position on the 0.04. I would say, though, that a number of States have gone to a 0.10 in recent years per se, partly in response to the Federal Incentive Grants Program, and I do not know what the reaction would be at this point to going back and saying well, that is not really what we wanted; we wanted 0.04.

The CHAIRMAN. No, we wanted 0.10, except if you are driving one of these large vehicles it is a different standard. It is a profession.

Mr. EISENHART. That is a good point. We would certainly be exploring this with our membership.

The CHAIRMAN. It is the same as railroad engineers and airplane pilots. It would be the same rule.

Mr. **Eisenhart**. I think that is a good point, too. The one distinction may be—and I am speaking a little bit out of school here because I am not that qualified to speak on the technological capabilities of the breathylyzers and so forth, but there may be some problem with the technology there in terms of being able to make sure that the 0.04 is a solid reading on the preliminary breath test.

The **Chairman**. I would think that if the technology exists for a railroad employee, it would exist with somebody in trucking.

Mr. **Eisenhart**. I am not familiar with how those tests are conducted. As far as tests on the highway, you have a preliminary breath tester which is not as accurate as the stationary one. You are talking about thousands, I suppose, of these tests being conducted every day on the highways. I do not know how they are conducted for the railroads and for the airlines, whether it is with the preliminary breath test or a more accurate machine.

The **Chairman**. Thank you all very much for your testimony.

That concludes the hearing.

[Whereupon, at 12:18 p.m. the hearing was adjourned.]

ADDITIONAL ARTICLES, LETTERS, AND STATEMENTS

STATEMENT OF THE AMERICAN INSURANCE ASSOCIATION

The American Insurance Association (AIA) is a trade association representing 170 property and casualty insurance companies. The members of the Association provide approximately 35 percent of the commercial auto insurance coverage written throughout the United States. Although the insurers represented by AIA provide only a small amount of commercial auto insurance to interstate, for-hire truckers through the voluntary market, we provide a great deal of coverage to long-haul truckers due to our obligations in the assigned risk pools.

The American Insurance Association supports the notion of a single national commercial motor vehicle drivers' license. The most striking feature of the commercial auto insurance market is the insurers' complete lack of control of the marketplace. Sanctions to govern the activity of the policyholder population are extremely important if insurers have little choice in electing to whom they will provide coverage. Multiple licensing for the purpose of avoiding state motor vehicle department improvement actions is a common practice, particularly by commercial drivers.

Commercial auto insurers are unable to select policyholders of their choice or avoid risks for which they choose not to provide coverage. The three Motor Carrier Act Section 30 coverage levels are available through assigned risk programs in 46 of the 50 states and the District of Columbia. If the trucker can demonstrate that he or she can pay the premium and has a valid license, coverage must be provided. All insurance companies writing commercial auto liability insurance policies in a particular state are required to share in the financial results—profits or losses—of the state's assigned risk plan. An insurer which declines to provide insurance to a potential policyholder in the voluntary market may be forced to accept the same exposure in the involuntary market.

Commercial auto insurers cannot control the limits of insurance coverage which they must provide due to the requirement in 46 states and the District of Columbia that coverage limits required by state or federal, law or regulation must be provided through the assigned risk pool. Because the minimum requirements associated with transportation of hazardous or extra-hazardous substances have increased dramatically since the enactment of the Motor Carrier Act,[1] the capacity normally directed to risks in the voluntary market has, by necessity, shifted to provide coverage in the involuntary insurance mechanisms. In addition to placing an ever-increasing strain on insurers to provide the requisite coverage in the involuntary market, this capacity shift has resulted in motor carriers with good claims histories finding their insurance options restricted to obtaining coverage in the involuntary market.

Finally, insurers have no control over the types of damages to which they must respond. Although insurers can exclude coverages through conditions and exclusions in their insurance contract, the endorsement (Form MCS-90) for the motor carrier policy of insurance for public liability under Sections 29 and 30 of the Motor Carrier Act of 1980 states that "It is understood and agreed that no condition, provision, stipulation, or limitation contained in the policy, this endorsement, or any other endorsement thereon, or violation thereof, shall relieve the company from liability or from payment of any final judgment . . ." Although the insurer has a subrogation right against the policyholder if it chooses to exclude a form of coverage to which it must respond due to the Form MCS-90, the insurer must first pay the claim. The subrogation right is often illusory and is never attractive to an insurer due to the cost and delay associated with recovering paid losses from its policyholder.

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[1] Section 30 of the Motor Carrier Act establishes mandatory liability insurance limits at levels far in excess of previous ICC requirements. Prior to the enactment of the Motor Carrier Act, limits were $100,000 per occurrence and $300,000 in the aggregate for bodily injury and $50,000 for property damage. Section 30 of the Act requires the following minimum levels of financial responsibility: $750,000 for the interstate foreign for-hire transportation of general freight; $5,000,000 for the intrastate or interstate transportation of certain extremely hazardous materials; and $1,000,000 for the intrastate or interstate transportation of other hazardous materials.

The commercial auto insurance industry's concerns associated with the provision of insurance for "environmental restoration" in Section 30 of the Motor Carrier Act has been well documented. Nevertheless, any insurer who wishes to provide insurance to satisfy the requirements in the Motor Carrier Act must provide coverage for "environmental restoration."

As a general rule of law, courts have traditionally rejected awarding compensation based upon a plaintiff's speculation and conjecture. Recently, however, courts have increasingly become more liberal in construing insurance contracts in favor of plaintiffs. Numerous decisions have improved financial accountability upon insurance companies for events involving pollution exposures which by contracts were expressly excluded and, in any event, were not reasonably foreseeable. See, e.g., *Shapiro* v. *Public Service Mutual Insurance Co.*, 477 N.E. 2d 146 (Mass App. 1985); *U.S. Aviex Co.* v. *Travelers Insurance Co.*, 336 N.W. 2d 838 (Mich. App. 1983); *Jackson Township Municipal Utilities Authority* v. *Hartford Accident and Indemnity Company*, 451 A.2d 990 (N.J. Super. Ct. 1982).

The spector of the recent judicial trend toward liberally imposing liability is of central concern to insurance companies vis-a-vis Section 30. This is particularly so because the current definition of "environmental restoration" expressly endorses, if not mandates, liability coverage for "potential" damages. Confronted with the very real prospect of having to provide coverage to compensate today for speculative damages with, if they occur, may not arise until many years after the event for which the damages are said to arise, and with having to pay for claims never contemplated or contractually agreed to, insurance companies feel strongly that the liability they must assume by writing environmental restoration coverage is boundless.

Because insurers are locked into providing coverage, limits of coverage, and categories of damages to which they must respond, we enthusiastically support a single national commercial motor vehicle drivers' license. It is of great concern to insurers that they must accept exposures involuntarily which they were unwilling to accept in the voluntary market.

A 1981 study of five states, prepared by the National Highway Traffic Safety Administration and the American Association of Motor Vehicle Administrators, found that 10 to 32 percent of commercial drivers held more than one driver's license. The report stated: "If this conditon prevails nationwide, as seems apparent, the logical conclusion is that none of the states are able to maintain current, complete data on this driver population, and that a large percentage of these drivers are avoiding state driver improvement actions."

The Federal National Driver Register (NDR) has been attempting for 20 years to develop a national communications system for transmittal of driver motor vehicle records. It is anticipated that some meaningful progresss may be achieved during the 1990's. The insurance industry spends millions of dollars annually purchasing motor vehicle records. However, there is no guarantee of acquiring a current or complete record report. The National Driver Register cannot identify a multiple licensed driver, does not pinpoint commercial drivers, and is restricted to responses involving DWI, reckless driving, and felony-type convictions.

The perception that high insurance requirements associated with the Motor Carrier Act will enhance motor carrier safety is badly flawed. Insurance respond after the accident in order to assure that injured parties receive restriction for their loss. The effect of safety requirements can be seen during and before the accident. The key to any review of motor carrier safety must focus on the driver. A vast majority of motor carrier accidents result from driver error. Driver error can be reduced through the application of sanctions based on driving violations. A single commercial license will greatly enhance the possibility that bad drivers will be removed from the road. Without this restraint, insurers will be forced to provide insurance coverage through the assigned risk pools to inadequate drivers, and availability and affordability problems with respect to commercial auto insurance will persist.

STATEMENT OF EDMUND M. CODY, PRESIDENT, PRIVATE CARRIER CONFERENCE, INC., OF THE AMERICAN TRUCKING ASSOCIATIONS, INC.

Mr. Chairman and members of the Senate Committee on Commerce, Science and Transportation:

INTRODUCTION

I am Edmund M. Cody, distribution Manager for GoodMark Foods, Inc. I am appearing before you today as President of the Private Carrier Conference, Inc. of the American Trucking Associations, Inc. PCC is very grateful for this opportunity to present its testimony with respect to S. 1903, the Commercial Motor Vehicle Safety Act of 1985, introduced on December 5, 1985 by Senator Danforth and Senator Packwood.

As I believe most of the Committee members are aware, PCC is a separately incorporated organization with its own members, its own board of directors and officers, as well as its own staff. Although it is affilated with the American Trucking Associations, Inc. and although it is a sister conference to the other "for hire oriented" conferences of ATA, themselves separately incorporated organizations, the policies and positions advocated by the Private Carrier Conference have always been and are now entirely its own. PCC may, therefore, be in agreement with policies of the other conferences and ATA itself—for there are many issues of common concern and perspective to both private and for-hire carriers—or PCC may, depending on the issue, be at variance, slightly or profoundly, with the policies of these other conferences as well as ATA itself. Where there is a variance, close analysis will show that it stems usually from the shipper orientation of the members of the Private Carrier Conference for whom I am speaking today.

So both of these perspectives—philosophical and organizational—must be acknowledged in order to understand and evaluate the views of the Private Carrier Conference with respect to S. 1903 insofar as its passage would enhance on the nation's highways with respect to both private and for-hire carriers.

Private carriers are shippers of their own commodities, so they fulfill the combined role, in this special sense, of both carrier and shipper with respect to those commodities. In doing so, however, it must be acknowledged that very few private carriers haul all of their freight generated by their corporate organizations. They rely very signficantly, sometimes primarily, on the for-hire carrier, both common and contract, for fulfilling the rest of their transportation needs. In this sense, private carriers are traditional shippers dealing with traditional for-hire carriers. Thus, it is philosphically impossible to separate the safety enhancement interests of private carriers from the parallel safety enhancement interests of shippers.

The interests of private carriers in particular, and shippers in general, in enhancing safety on the nation's highways has in no way slackened since the passage of the Motor Carrier Act of 1980. Indeed, if anything, it has been further heightened by the renaissance of private carriage operations on the one hand and the greatly increased usage by the nation's shippers of new for-hire carriers, particularly truckload carriers, who have been permitted to enter the marketplace, due to open entry enunciated by the 1980 Act and the implementation policies of the Interstate Commerce Commission.

Over and above complying with federal safety regulations, private carriers have a very particular interest in assuring the safety of their own operations and, as shippers, in utilizing for-hire carriers that have the same self-interest in safe highway operations. This is because safety pays for itself and is in every sense of the word a very good investment.

As this Committee is aware, the Private Carrier Conference, close upon the introduction of S. 1903 last December, sent a letter to Senator Danforth congratulating him and Senator Packwood on the introduction of this bill and offering the Conference's general endorsement. At that time, the Conference said that it would comment more particularly at the time of hearings on the bill.

PCC SAFETY POLICY

However, before offering specific endorsement, PCC would like to point out that its Board of Directors adopted a Safety Policy in 1985 which is remarkably consistent with various provisions of S. 1903. A copy of the full text of this PCC Safety Policy follows:

Safety Policy of the Private Carrier Conference of the American Trucking Associations

The Private Carrier Conference of the American Trucking Association always supports and strongly endorses the safe and courteous operation of motor trucks.

The primary concern of the Private Carrier Conference is the health and safety of the driver and other motorists on the nation's roads and highways. Motor carriers must reponsibly control the maintenance of their equipment and the driver's actions.

The PCC feels that the following are key issues in a nationwide truck safety program for all motor carriers:

1. All drivers should be properly trained and qualified and then issued a federal driver's license. Each licensed truck driver should be listed in a federal register which shows all of his violations and the information should be made available to law enforcement agencies and employers alike.
2. Federal and state agencies should strictly enforce all laws in regard to vehicle condition, speed limits, driver's hours-of-service, and controlled substances.
3. Penalties for violations of laws regarding vehicle condition and driving should be such that they will definitely discourage violations and remove the violators and/or their equipment from the nation's highways.
4. Companies and their truck fleet managers should always schedule and allow sufficient time to make the trips without the driver(s) needing to violate speed laws or hours-of-service rules.

S. 1903

As understood by the Private Carrier Conference, the Commercial Motor Vehicle Safety Act of 1985 would establish a commercial motor vehicle safety fund. This federal trust fund would receive penalties and fines collected for violation of interstate truck and vehicle safety standards. Monies in the fund would be used as specified in Section 4 of the Commercial Motor Vehicle Safety Act of 1985.

In addition, and on the subject of random inspections, the Act would direct the Secretary of Transportation to make incentive grants from the new trust fund to states that conduct frequent random equipment inspections of trucks and buses and random testing of drivers for alcohol and drug use. Such grants may only be used by a recipient state to implement and enforce such a program. Any person with a blood alcohol concentration of 0.10 percentum or greater when operating a commercial vehicle will be deemed to be operating such vehicle while intoxicated. Moreover, "controlled substance" will be defined in accordance with the Comprehensive Drug Abuse Prevention and Control Act of 1970. In a companion bill, S. 1904, referred to the Committee on Environment and Public Works, further provisions are proposed with respect to the operation of commerical motor vehicles by intoxicated persons. When hearings are held on this latter bill, PCC will comment more specifically on its provisions.

The Commercial Motor Vehicle Safety Act of 1985 will direct the Secretary of Transportation to establish a national operator's license for commercial motor vehicles within 18 months of enactment. Persons who violate this provision will be assessed a civil penalty not to exceed $5,000 for each violation. In order to assist the Secretary of Transportation in administering this Section, state licensing officials will be obliged to provide information concerning persons denied a state license or whose license is cancelled, revoked or suspended.

Finally, as to the Motor Carrier Safety Assistance Program of 1982, S. 1903 will provide an increase in funding and an extension for two years for funding authorizations of safety assistance grants to the various states. The authorized funding for fiscal years 1987 and 1988 would be increased to $50 million and $60 million, respectively (from $40 million and $50 million). Authorizations of $70 million and $80 million would be provided for fiscal years 1989 and 1990, respectively.

PCC POSITION

The Private Carrier Conference, having carefully evaluated all of these proposals in S. 1903, herein states its unqualified and specific endorsement of them. Passage of S. 1903 would greatly enhance safety of trucking operations on the nation's highways to the benefit of private carriers in particular and shippers in general and, of course, the public at large.

SHIPPER LIABILITY

PCC would like to raise another issue at this point. It relates to the question of shipper liability for violations of certain safety regulations by for-hire motor carriers. The American Trucking Associations, Inc., with which the Private Carrier Conference is affiliated, has publically endorsed the passage of a legislative provision that would make shippers legally liable for service demands on for-hire carriers that result in certain safety violations, particularly those relating to speed limits, hours of service rules, and/or weight laws. There is, of course, no such provision in S.

1903. However, in the event that ATA proposes an amendment to this effect, PCC would like to express its unqualified disagreement with ATA and its total opposition to the inclusion of any such provision in this bill.

Most recently, ATA on March 19, 1986, in testimony before the Subcommittee on Surface Transportation of the House Public Works and Transportation Committee, made such a recommendation. Reference testimony of Thomas J. Donohue, President and Chief Executive Officer, American Trucking Associations, Inc., March 19, 1986. PCC urges, therefore, that no such provision, should it be requested by ATA, be included in this bill.

In the view of PCC, such a recommendation is totally without merit. First, there has been no showing that any pervasive problem exists. PCC has not ascertained existence of any well-grounded survey which would confirm the existence of a problem requiring legislative address in this regard. Secondly, it should be noted that the Federal Highway Administration, Department of Transportation, has not identified this as a particular problem with respect to its obligation to enforce safety regulations with respect to motor carrier operations. If there really were a problem, we would have heard from the Federal Highway Administration with respect to specific recommendations. Third, PCC believes existing law to be entirely adequate to address and remedy any alleged unlawful pressure or leverage exercised by a shipper on a for-hire motor carrier with respect to violations in these categories. Fourth, even if there were a problem of sufficient dimension to warrant legislative consideration, it is difficult to envision the practicality of its enforcement. Indeed, there could be considerable mischief. Any motor carrier violating any of these safety regulations relating to hours of service, speed or weight would invariably argue that the "devil made him to it" in the sense of trying to lay off the blame on a shipper. So we see this as merely compounding the enforcement problem that the Federal Highway Administration would already have in such circumstance. Finally, if this Committee believes the matter worth exploring, it should be referred to the Federal Highway Administration for further examination. The matter simply is not ripe at this time for legislative consideration in the absence of an objective and authoritative study of the issues relating to shipper liability under these circumstances.

DECLINE OF FATALITIES FROM TRUCK ACCIDENTS

No testimony from the Private Carrier Conference would be complete without noting that in 1984 and 1985, according to data released by the Bureau of Motor Carrier Safety of the Federal Highway Administration, injuries and fatalities from truck accidents involving interstate carriers, as reported to the Bureau of Motor Carrier Safety, declined. In 1984, BMCS statistics show that there were 29,149 injuries. These dropped in 1985 to 28,937. In 1984, the same BMCS data indicate there were 2,721 fatalities. In 1985, this level declined to 2,676 fatalities. It is interesting to note that these declines from 1984 came during a period when truck fleet mileage increased by about 5%.

On the subject of reportable accidents, as distinguished from injuries and fatalities, PCC notes reference to an 18% increase in 1984 according to figures maintained by the BMCS. This statistic has been given widespread publicity and has been used as a very misleading argument to the effect that economic deregulation of the trucking industry since 1980 has compromised trucking safety. PCC does not subscribe to this view. The 18% increase relates to reportable accidents involving interstate motor carriers. It should be noted that as of 1973, motor carriers have been obliged to report all accidents where there was a fatality, physical injury or property damage in excess of $2,000. As far as the 18% is concerned, PCC understands that the BMCS has revised its 1984 accident figures, reducing the total to 37,823. This calculates to be a 16%, not an 18%, increase over the 1983 figure of 31,628.

Moreover, and importantly, the fact of inflation should be acknowledged with respect to the $2,000 and above level in property damage requiring that the accident be reported. In this connection, the BMCS has indicated that 7,390 additional accidents were the subjects of reports in 1984 as compared to 1973, when reporting went into effect, because inflation has elevated the damage level over $2,000. The BMCS has, as a result, changed its rule for reporting damage to a new threshold of $4,200. This is an inflation index adjustment calculated since 1973. It seems reasonable to conclude that the increase in reported truck accidents in 1985 from 1984 does not necessarily suggest an increase in the actual number of accidents. It it were otherwise, how could we explain the decline in injuries and fatalities in 1985 over 1984?

Further on the subject of accidents, fatalities and injuries, the Committee will note that we are attaching as Appendix 2 a summary supplied to the Conference by the Coalition on Motor Carrier Reform. We think it will be of interest to this Committee. We think it conclusively demonstrates that there is no nexus between economic deregulation and the question of highway truck safety.

CONCLUSION

In supporting S. 1903, it is the hope of the Private Carrier Conference that its passage will not only further enhance highway safety in the trucking industry, but that it will also diffuse and disconnect the issues relating to further economic deregulation of the trucking industry from the question of safety. Senator Packwood has introduced the Trucking Competition Act of 1986. It deals with further deregulation in an economic sense of the trucking industry. Its provisions should be considered on their economic merits or lack thereof, not on the question of safety. Safety has been erected as a straw man by certain regulated for-hire carrier interests because, in the view of PCC, they have no weighty arguments dealing directly with the economic merits of further trucking industry deregulation.

Safety is a self-contained proposition. Safety problems warrant safety remedies. S. 1903 is structured in this vein. We recommend its passage. Its passage, therefore, will not only serve the cause of safety well, but it will also serve the cause of putting the further debate on continued or lessened economic regulation of the trucking industry in the economic arena where it belongs, unclouded by safety deterioration allegations and considerations.

Thank you.

STATEMENT OF BRIAN O'NEILL, PRESIDENT, INSURANCE INSTITUTE FOR HIGHWAY SAFETY

The Insurance Institute for Highway Safety is an independent nonprofit research and communications organization that identifies and develops ways to reduce the incidence of death and injury caused by motor vehicle crashes. The Institute is supported by the nation's property and casualty insurers.

Truck safety is a major issue in transportation and not without reason. Nearly 4,500 people die each year from injuries in crashes involving big trucks. Most of the people killed are occupants of passenger cars in car-truck collisions. The situation appears to be getting progressively worse. In 1977, when a fatal car-truck crash occurred, the car occupants were 26 times more likely to be killed than the truck occupants. The risk for car occupants has steadily increased. By 1984, fatalities were 35 times more likely to be among car occupants than truck occupants. The risk is greatest for those in smaller cars. In subcompacts, a person is 52 times more likely to be killed than a truck occupant in a fatal car-truck crash.

The deregulation of the trucking industry was a useful and necessary step to improving transportation efficiency. However, it has had unforseen consequences that affect all highway users. Safety cannot be left to the marketplace, and all indications point to decreased safe driving practices since deregulation. It has become clear that the present procedures and practices do not encourage—in fact, they discourage—safe driving practices by limiting effective enforcement to one state's borders. The problems created by the present patchwork system of state licensing programs are summarized in the attached Institute publication "Big Trucks." [1]

Nineteen states do not issue classified truck driver licenses to handle big rigs.

Only 15 percent of accident-involved truck drivers have had any formal commercial driver education.

Truck drivers routinely obtain licenses in several states in order to spread convictions among them.

The National Driver Register is little more than a list of drivers whose licenses have been revoked, and it moves too slowly to achieve any effective enforcement.

Some states do a very good job of assessing a driver's ability to handle an 18-wheel vehicle safely; other abrogate their responsibility almost entirely. But more importantly, with the present system truckers can and do obtain as many licenses as states they pass through. The American Trucking Associations estimate that 25 percent of truck drivers get licenses in more than one state.[2] A report prepared by the American Association of Motor Vehicle Administrators for the National Highway Safety Administration found that 10 to 32 percent of drivers of interstate heavy duty vehicles held licenses in more than one jurisdiction. That report concluded, "Examination of limited number of driver record abstracts reveals several drivers with lengthy records of violations and accidents still driving on valid state licenses." [3] Because there are no effective checks on this practice, truckers can spread out their crashes and violations among their various state licenses. No matter how effective the licensing and monitoring within a given state, there are no effective checks across all 50 states. Only 30 of the 50 states currently belong to the Drivers License Compact, which allows limited access to other member states licensing records. The result is that drivers with histories of unsafe driving practices continue to drive.

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[1] Insurance Institute for Highway Safety. Big Trucks. Washington, DC, 1985.

[2] Bunch, William. Accident rate is increasing as heightened competition spurs shortcuts around laws and maintenance. *Newsday*. January 26, 1986, p. 4.

The creation of a national system for licensing of commercial operators is one way to begin to bring these abuses under control and to establish professional qualifications for commercial carrier operators. The goal of a national truck driver licensing program should be to improve highway safety. Developing a licensing program that recognizes the need for safe driving practices in the interstate transportation of goods, services, and passengers is one way to begin to achieve that goal. To eliminate the abuses of multiple licensing, an effective enforceable national commercial licensing program must:

Ensure the participation of all commercial motor carrier operators in all states;

Provide an efficient modern recordkeeping system based in telecommunications for ready access by all concerned entities;

Provide effective enforcement and sanctions supported by adequate personnel and budget; and

Emphasize safe driving practices and the penalties for failure to comply.

The core of a national commercial carrier operator licensing system must be a recordkeeping system that uniquely identifies each operator. To reduce the possibility of fraud, multiple identifiers should be used for each license holder. A report prepared for the Department of Transportation on the licensing and monitoring of truck drivers in 1979 suggests using photographs, signature, and thumb print as well as residence address and other encoded information.[4] To ensure that holding a license is contingent on a safe driving record, the complete driver history of each person who holds a commercial carrier operators permit, must be maintained through coordination with the appropriate state agencies. Finally, the recordkeeping system must be designed to accommodate rapid updating and immediate accesibility by appropriate federal and state officials.

A national system of commercial carrier operators licenses should improve safety on the highways by preventing crashes caused by lack of skill or knowledge, by keeping those who have not learned the demanding skills of heavy duty vehicle operation off the roads, and by removing those who do not respect traffic laws. In addition, there is tremendous room for improvement in vehicle and highway design as well as in licensure. The attached copy of our publication, "Big Trucks" identifies additional problem areas in truck safety and suggests several methods for reducing the incidence and severity of truck crashes, such as improving braking capabilities, requiring front brakes on all trucks, maintaining the 55 mph national speed limit, and controlling problem drinkers.

STATEMENT OF UNITED BUS OWNERS OF AMERICA

Mr. Chairman, my name is Paul Nagle. I am assistant to the executive director of United Bus Owners of America (UBOA) serving 2000 owners and operators of tour and charter coaches.

Mr. Chairman, UBOA has asked to be heard, today, to express our views on driver license standards, processes which are addressed, admirably, in the legislation before this body.

Concerning blood alcohol content, UBOA prefers the 0.04 provision of S. 1904, to the 0.10 provision of S. 1903. Also, UBOA prefers that the penalties of S. 1904 be applicable upon determination that a driver's blood alcohol content exceeds the stated level. UBOA is persuaded that a two-year license suspension, coupled with a rehabilitation requirement, is superior to a simple suspension for a period of 150 days.

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[3] U.S. Department of Transportation. Multiple Licensing and Interstate Truck Drivers: A Problem Statement. DOT HS 805 645. U.S. Government Printing Office, 1981.

[4] U.S. Department of Transportation. "Truck Drivers: Licensing and Monitoring, An Analysis with Recommendations." (P.F. Waller and L.K. Li). Washington, DC, 1979.

Considering real life experiences with funding of the Motor Carrier Safety Assistance Program, UBOA believes funding levels are minimal, as those levels are included in S. 1903 and S. 1904.

NATIONALLY UNIFORM LICENSE

In and of itself, a nationally uniform driver license may have no dramatic impact on highway safety. The real impact is dependent upon the level of communication between licensing jurisdictions. Obviously, there would be immediate benefits, were each jurisdiction to require that driver licenses be classified according to the degree of operational complexity. Obviously, also, there would be immediate improvements arising from a system under which license applicants would be required to demonstrate proficiency in operation of the most complex vehicle contemplated in the application. But until there is in place, a procedure to prevent issuance of multiple licenses, until driver records are available to issuing jurisdictions, nationally uniform license will be embroidery, rather than a well-knit fabric.

UBOA favors a nationally uniform license; we oppose a Federally issued license. We believe each jurisdiction needs to retain control and administration of its licensing system.

The goal of a nationally uniform license is seen by UBOA to be a fail-safe mechanism for screening driver applicants, according to their competencies for promoting highway safety while operating commercial motor vehicles. Safe driving should be the paramount purpose of each and every driver of any vehicle. For the commercial driver, the so-called professional, safety is absolutely obligatory.

LICENSING STANDARDS

UBOA advocates narrowly classified licensing. We will comment only on drivers of passenger-carrying vehicles. We believe the license of a driver of a full-size highway coach should be vehicle specific. We believe a qualified bus driver does not automatically acquire competencies to operate an 18-wheel freight-carrying combination. Nor does a qualified truck driver automatically possess the skills essential to operation of a bus.

More-than-adequate safety and medical standards have been adopted by the Bureau of Motor Carrier Safety at the Federal Highway Administration. So, too, do we consider to be satisfactory, the written test for drivers, prepared by the Department of Transportation. We believe a passing score on that test should be a prerequisite for every driver license applicant.

Driver proficiency, UBOA believes, should be demonstrated on the precise class of vehicle to be operated.

Training levels are seen by UBOA to be the prerogative of the employing party. We suggest to our members that they satisfy themselves on any need or lack of need for training, in advance of allowing a driver to venture out on the road.

Failure to meet the criteria applicable to all safety standards should result in disqualification of the person applying for a job or for a license.

Universal membership in the Driver License Compact is seen by UBOA to be essential to the effectiveness of any nationally uniform system.

UBOA is pleased to see the progress being made in fleshing out the frame of the National Driver Register (NDR). UBOA has had two reservations: 1) the waiting time for electronic access to become operative; and 2) the scope of data to be made available to interested parties. A case in point: Although the National Highway Traffic Safety Adminstration (NHTSA) has restored the driver license abstract element to NDR, the agency has concluded: (Docket 84–02; Notice 4) (11445 Federal Register, April 3, 1986) "the statute does not permit the abstract request feature to be available for employers, NTSB or FHWA to request a driver license abstract electronically." Instead of having details in a matter of minutes, the requesting party is obliged to use conventional means to make direct contact with the State of record.

UBOA recommends that this Committee consider the desirability of amending the NDR statue to allow the system to make available information which, rightly, should be in the public domain when a driver has custody over the lives of as many as fifty people.

CENTRAL DRIVER FILE

The most economical and far the most expeditious method of evaluating the application of a particular driver is for the licensing jurisdiction to have electronic access to a central file which will have a unique identifier, and which will enable the requesting jurisdiction to establish if a driver license already has been issued to the applicant, and whether or not such previously issued license is encumbered. An organization to which UBOA is party, the Alliance for Motor Vehicle Administrators' Telecommunications, is in the process of conducting a feasibility study designed to demonstrate how a telecommunications network on drivers might be made operative. UBOA is an enthusiastic supporter of that undertaking. UBOA believes necessary technology is currently available, but we merely mention the phenomenon, leaving substantive comments to cognizant professionals.

We do not believe a unique identifier is a prerequisite, and our comprehension is that digital processes are available for conveying such as fingerprints, retinal images, etc.

To the degree that licensing systems are standardized; to the degree that standardization begins to put barriers in the paths of those who seek to hold, or already, hold, multiple licenses; and to the extent that violations or revocations are identified with the persons upon whom those actions were imposed; to that degree the highways will be made safer as violators are separated from their driving privileges.

NDR is here, imperfect though it may be. Separate though the central file might be from NDR, its implementation can only serve to make NDR more effective; to enable NDR to achieve the purpose intended by its enabling legislation.

As already has been indicated, UBOA is pleased to see that the legislation before you contemplates fund authorizations. UBOA believes that funding should not be a long-term matter. When per transaction costs have been identified, those costs should become the burden of the user, the holder of the standardized license.

SCOPE OF COVERAGE BY NATIONALLY UNIFORM LICENSE

UBOA believes all commercial vehicle operators should be subject to the nationally uniform license; that the nature of the transportation is less significant than that it affects commerce; that reasonable criteria are 10,000 pounds of 15 passengers.

Concerning numbers of drivers, we estimate that at least 40,000 bus driver licenses would need to be issued.

UBOA believes there would be no great difficulty in securing participation by the several States. The same process might be utilized that applies to MCSAP. Failure to maintain both driver control and vehicle inspection programs would result in loss of funds.

Another parallel to MCSAP procedures would occur in the transition poeriod. States would not come into the program, universally and simultaneously. Section 5 of S. 1903, seems to offer reasonable processes, rulemaking within 18 months by the Secretary of Transportation. In addition to setting up the processes for attaining compliance, that rulemaking might also, reasonably, be expected to set forth the period of time within which individual drivers might come into compliance. In view of the fact that some States issue driver licenses covering periods longer than one year, the rulemaking might appropriately specify that all driver licenses' would expire according to a workable formula, but on a date no longer than one year from the date of rulemaking.

Mr. Chairman, UBOA is pleased to be able to support the legislation before you, and we urge expedited efforts for its enactment as contemplated here.

STATEMENT OF CITIZENS FOR SAFE DRIVERS AGAINST DRUNK DRIVERS AND CHRONIC OFFENDERS

Citizens for Safe Drivers Against Drunk Drivers and Chronic Offenders (CSD) approves the concept of S. 1903 which proposes a National Commercial Motor Vehicle Operator's License to help reduce multiple driver licenses and the increasingly serious safety problems related to truck driver licensing as well as to permit quick checking by employers of problem drivers.

CSD first advocated a national truck drivers license over 10 years ago after Kamy Nathanson, the 14-year old daughter of the founders of CSD, was killed when a tractor trailer crashed into the rear of their car. The truck driver was at the time under suspension for the seventh time from his home state of New Jersey and was driving on a license from the state of Arizona. At that time many highway safety professionals said that imposing standardized and uniform license qualifications for truckers on a nationwide basis was not feasible.

For over a decade CSD has been working to improve highway safety. Among our accomplishments is the landmark 1982 law unanimously passed by Congress which strengthens the National Driver Register (NDR) and provides alcohol incentive grants for state anti-drunk driving programs.

Today, we believe that a national truck drivers license is an idea whose time has come. Almost without exception the highway safety community as well as the trucking and insurance industries and other allied groups agree on the need for this legislation. However, it is essential that a practical way of implementing this idea be developed.

We suggest that the national truck drivers records system be located within the U.S. Department of Transportation in tandem with the NDR, using a pointer system to the state(s) of record and licensing. However, the actual licensing process should be handled and administered by the states under strong uniform federal guidelines. All drivers of heavy vehicles both interstate and intrastate, should successfully complete a driver test with the type(s) of vehicles they will be driving plus oral and written tests and medical certification. The tests should be standardized nationwide, accepted by all states, and the cost borne by applicants.

Truck drivers with a minimum of one year driving experience in the past three years and a perfect driving record and medical certification would be temporarily grandfathered until renewal time when they should then be required to take the same road, written, and physical tests as new applicants.

Development of uniform definition of a truck driver for purposes of enforcing the law is essential. Ultimately, we believe all drivers of vehicles which weigh in excess of 10,000 pounds should be phased in over a period of years. But to speed the implementation of the truck driver licensing system, a higher weight limit of between 25,00 and 50,000 pounds should be set in the earliest stages. Whatever the ultimate criteria, we strongly recommend that the law specify inclusion of all persons who operate articulated vehicles.

Development of a new foolproof unique identifier would be useful. However, it is not needed to begin the system, and until suitable technology is available and agreement is reached on what type of system will be used, the social security number should be the interim unique identifier. It is recognized by the technical experts that problem drivers can deliberately circumvent so-called "foolproof" identifiers such as retinal imaging.

Standards must be developed and specified for the information about the truck driver that must be sent to the central register: name, birthdate, eye color, sex, social security number, driver license number, state of residence and licensing, type of vehicle tested on, type of license issued, and other pertinent data.

Before issuing this special license, state officials should be required to check the NDR as well as their own file for suspensions and serious driving violations, and to require an annual medical certificate. Truckers should not have a separate passenger car license, and both traffic citations and the driver record should indicate whether the offense occurred with a heavy truck or while operating a passenger car. All licenses must be updated and checked with the NDR when a driver moves from one state to another. Checks by employers should go through the state and also access NDR information.

The driver records system in each state must be improved to reflect the complete driver history of all chronic offenders. Not only do problem drivers now often have multiple licenses but many states fail to report violations by out-of-state drivers back to their home state. And some home states when they do receive this type of information routinely toss it in the wastebasket. This is especially significant for truck drivers who, because of the very nature of their driving, have a higher percentage of violations outside their home states than other drivers.

Our knowledge and long experience with the NDR, its operation and capabilities has convinced us that any national truck driver license system should be operated in conjunction with the NDR. It should be physically located in the same central point as the NDR to facilitate automatic checking of the NDR file for suspensions and driving violations on both commercial vehicles and passenger cars.

This suggested tandem system would be the quickest, most effective and least costly way to implement the new truck driver licensing system. A system operated separately would duplicate much of what is already provided for under the NDR Act of 1982. This includes the reporting not only of suspensions and revocations but also of convictions for violations such as drunk driving, fatalities, and other serious driving offenses. The 1982 Act also permits employers of commercial drivers to check records of drivers through the states, with the written approval of the employee. The pointer concept with the states maintaining the actual records would be similar for both the NDR system and the national truck drivers license system. In additon, if Congress wants the system to point to additional types of violations or to point to violations earlier before implementation of the full NDR Problem Driver

Pointer System (PDPS) is in place, it could simply authorize this under enabling legislation.

We know that many safety and trucking professionals still mistakenly retain their image of the old NDR as too slow for their needs. There is still the current lingering misconception that the new NDR is not operating effectively. However, since the 1982 law, there have been many major improvements in the NDR, largely unknown and unrecognized even by those in the field.

In fact, all the states participate in the NDR program. Only New York does not make inquiries but it does make entries, and conversely Texas does not report suspensions and revocations but does make inquiries.

In the past six months, the speed of communication between the NDR and the states has accelerated dramatically. In addition, information in the NDR file of more than 10.8 million problem drivers is much more current and accurate. In the six months ending June 30th, the NDR received over 8.2 million inquiries and almost 1.4 million reports and made 168,000 matches.

Currently, 16 states[1] are using the 24-hour Remote Job Entry (RJE). This system generally means overnight service, with inquiries made at the end of the workday and responses on the desks of state officials when the licensing office opens the next business day. On May 22 Delaware became the first state to use the interim Rapid Response System (RRS) which achieves a 5 to 7 second response to inquiries. Within the year at least 10 additional states should be using either the RJE overnight mode or the 5 to 7 second response system. This is a far cry from the 10 days to 2 weeks or more that mail response to inquiries took before passage of the 1982 NDR law.

On June 5 Transportation Secretary Dole announced that North Dakota, Ohio, Virginia, and Washington were selected as the four pilot states for the new NDR Problem Driver Pointer System (PDPS) and that complete testing will begin in August 1987.

The special techniques developed to permit Delaware to achieve the Rapid Response System proivde a significant capability for all states for a broad in-place communications network. Any new system for the national truck drivers license concept would have to at least partially duplicate or parallel the new NDR system.

Assuming that the names of all licensed truck drivers will be in a central file, the NDR is the logical data center to house it. Over the past quarter of a century the NDR has acquired the management experience and expertise to operate and maintain a massive data file with complex and sophisticated search techniques. Since the functions required for a national truck drivers licensing system are similar to those now operating successfully in the NDR, using the NDR would eliminate the longer-testing period any new organization would require.

A decision should be made early on whether the central file would contain the full driver record, a partial summary type record or as with the new NDR merely point to the state or states where the records of violations and suspensions are maintained. In the interests of keeping as little data as possible in the central file, we suggest use of the pointer system with the states continuing to keep all the records. This is similar to the problem driver pointer system under the 1982 NDR legislation. As stated earlier, whatever additional types of violations are desired to meet the needs of employers of drivers, minimal changes to the proposed legislation or to the 1982 NDR Act could accomplish this.

With the present limitations on budget and personnel in NDR, both the NDR and NHTSA would undoubtedly be reluctant to take on additional tasks at this time. However, handling these necessary functions through the NDR rather than through a new separate system would substantially decrease costs. And if the Congress specified that additional personnel be added to the NDR to handle this function, it would be able to do so effectively. User fees for record requests by employers of drivers would make this phase of the NDR self supporting.

Whenever an inquiry to the national truck drivers license system is made for the purpose of licensing, employment, or penalties, the complete NDR file should also atuomatically be accessed to point to the state of record for whatever information is indicated on the truckers driving record and his passenger car driving record.

Because the major problem continues to be state cooperation in reporting convictions and violations back to either the home state or the NDR, special incentives or penalties must be used to insure that the states will report promptly and accurately. Congress should set a deadline for full compliance by all states.

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[1] Alabama, Arizona, Arkansas, Delaware, Florida, Illinois, Indiana, Mississippi, Nebraska, New York, North Dakota, Pennsylvania, Washington, Wisconsin, Wyoming, Virginia.

In the past we believed that states should not have mandatory requirements because negative reaction by states to federal pressures might hamper a vital program. However, in the past few years some of the former strongest opponents to mandatory participation among highway safety professionals, even some state licensing officials and some federal traffic safety leaders have begun to question and reverse their prior stand on this issue. Certainly, mandatory participation should be seriously considered.

We strongly recommend establishment of a national advisory committee to help maintain the national truck drivers licensing system as a priority program that meets the needs of its users. Its membership should represent a broad spectrum including the trucking industry, bus owners, teamsters, the insurance field, state motor vehicle administrators, and the public.

Whatever system is finally established it is essential that driver records for passenger car driving and commercial motor vehicle driving be combined and that the NDR information and records be accessed each time for licensing, employment, and penalties. Whatever communications system is established between the states should be compatible with the NDR system.

The 25-year-old NDR is an essential in-place system containing problem drivers of both passenger cars and commercial motor vehicles and its method for matching records is one of the most sophisticated in the world. The records and communications elements of the proposed commercial motor vehicle operators licensing system is a logical extension of the NDR. Therefore, a completely separate record file which doesn't make full use of the NDR capabilities and potential would be duplicatory, costly, and inefficient.

STATEMENT OF CONSTANCE A. MORELLA, MEMBER, MARYLAND HOUSE OF DELEGATES

Mr. Chairman and Members of the Committee, my name is Constance Morella. I am a member of the Maryland General Assembly, representing the 16th Legislative District in the House of Delegates. For the past seven years, I have served as a member of the Transportation and Law Enforcement Subcommittee of the Appropriations Committee. In that capacity, I have dealt with budgeting and problems relating to traffic and safety on the roads and highways of my state.

I strongly favor legislation that would establish a uniform commercial driver licensing system. I do so as a state legislator long active in transportation and particularly trucking issues, as a frequent driver on the Capital Beltway, and as a parent.

As a parent, I am heartbroken by the tragedy that befell fourteen year old Kamy Nathanson. Kamy, a schoolmate of my son Mark at Bethesda's Pyle Junior High School, was on vacation in Rhode Island when she was killed in an accident that would have been prevented by a uniform commercial drivers licensing system.

It happened on I-95. Kamy was a passenger in a car that was slammed from behind by a speeding tractor-trailer. The truck driver, we later learned, had just had his license suspended, by his home state of New Jersey, for the seventh time. While his New Jersey license was under suspension, the truck driver had gone to Arizona and obtained a new license from that state, the license with which he was driving the day he killed Kamy. The legislation before you today would have prevented that New Jersey truck driver from acquiring a license in another state at all, let alone while his home state license was suspended.

Unfortunately, the man who killed Kamy is only one of many truck drivers who acquire and misuse driver's licenses from more than one state. There are only about two and a half to three million truck drivers nationwide, but the thirty states (only sixty percent of all states) that do issue truck drivers licenses have issued some six million of them. The multiple license practice is of particular concern to those of us who regularly drive on the Capital Beltway.

The Beltway is a microcosm of the national problems existing because of the absence of a system involving uniform commercial drivers licenses. The Beltway is not too much of a problem for the competent, responsible drivers who make up the majority of the trucking industry. But the Beltway's design flaws and severe overcrowding mean that incompetent, irresponsible truckers do not have the margin for error that they might have on a straight, empty stretch of road.

As federal law in recent years has permitted longer and wider trucks, and as the Beltway has become more overcrowded, tractor trailer accidents on the Beltway have increased at more than three times the rate of other Beltway accidents, jumping 43 percent in the last year and a half alone.

Though trucks comprise only 3.2 percent of Beltway traffic, they are now involved in 19 percent of the accidents on that highway. And two thirds of the times that somebody has been faulted in these mishaps, it has been the truck driver who has been charged. Things have gotten so bad that the Washington Post, in a recent editorial, referred to the highway as "Your Deadliest Drag Strip," saying "life in the Beltway fast track is a fiesta for trucker-bullies terrorizing the lowly cars" and referring to "the truck-inflicted terror" as a problem whose solution is urgent.

Three quarters of the automobile traffic on the Beltway is local, but two thirds of the trucks involved in accidents are not registered in Maryland, D.C., or Virginia. These are trucks carrying produce from Florida to New York, or manufactured goods from Connecticut to Atlanta, and their drivers might be licensed in New Jersey or even Arizona. The problem with this is that Maryland, and its citizens who use the Beltway to drive to and from work every day, have no way of assuring that these out-of-state truckers are responsible or even competent.

Interstate sharing of information as to the status of drivers was improved by the National Driver Register Act of 1982. Almost all states now participate in the National Driver Register. Almost is not good enough, however. As long as even one state does not share information on whose licenses it has suspended or who it has convicted of reckless driving, speeding, or drunk driving, the system is going to be abused.

Another problem with the National Driver Register is that it depends on the postal service, meaning that responses to state inquiries take a minimum of a week to ten days. Because many states issue licenses "while you wait," an applicant may well have already received a license and left the state, let alone the building, by the time the motor vehicle administration receives its report from the NDR. This makes it difficult if not impossible to find the licensee and to take back his new license.

Incomplete, slow dissemination of information regarding reckless drivers is one of the two most important problems that would be corrected by establishing a uniform enforceable commercial drivers license system. The other key problem to be solved involves the dangerously minimal amount of testing required to obtain a license permitting the driving of trucks. Driving a truck is a very different matter from driving a car. Trucks run up to 65 feet in length and 35 tons in weight, they are much more difficult to maneuver than cars, and carry additional, specialized equipment. Some trucks carry hazardous materials that require special responses in case of collision or leakage. but twenty states do not require truck drivers to show more than an ability to drive a car. And no state tests for special knowledge on the part of truckers transporting hazardous materials.

Tough, uniform licensing standards for the nation's truck drivers are a must if motorists are to feel safe again on our major highways. My own state of Maryland issues several different classifications of driver's license. If you pass the test for car drivers, you get one type of license. If you want a Maryland license allowing you to drive trucks, you have to take both a written test with truck-specific questions and a driving test at the wheel of a tractor-trailer. Maryland has taken the precautions necessary to insure that its truck drivers are competent. But it has no way of knowing that truckers passing through the state from Arizona and Alabama, Oklahoma, Ohio, and 16 other states have any idea of how to drive a truck. If you can show us you know how to maneuver a Volkswagen Bug, their laws say, we'll let you drive a sixty five foot, thirty five ton tractor trailer.

The information sharing problem I discussed earlier may eventually be resolved by the states of their own accord, though the process can certainly use speeding up. But the classified driver licensing effort is in definite need of a push from the federal government. It is suffering from the thirty-state syndrome, a characteristic I readily recognize from my years in the state legislature. For some unfathomable reason, a lot of national efforts of this type attain passage in thirty-some legislatures and then lose momentum.

There are several aspects of the proposed commercial drivers license program bill which are still in dispute. The first involves who would issue the licenses: the United States Department of Transportation, as S. 1903 specifies, or the states. In referring to the program as the "uniform" commercial driver's license, I have revealed my own bias already. I support uniform medical, written, and road tests which all truck drivers in all states would be required to pass. Such standards might best be developed by a working group coordinated by the U.S. Department of Transportation.

I oppose a national truck drivers license distributed by the federal government. Particularly in a period of record federal deficits, we don't need to set up yet another federal bureaucracy. To do so in this regard would also set an unhealthy precedent in terms of states rights. It would infringe upon an area of responsibility which has traditionally and rightfully belonged to the states. Finally, I am wary of the idea of concentrating so much private information in a single, easily accessible place.

I further agree with the proposed National Uniform Commercial Motor Vehicle Drivers License Standard Act of 1986, as opposed to S. 1903, that efforts in this regard should focus on drivers of commercial vehicles over 26,000 pounds. These are the heaviest and most difficult trucks to drive, as well as the ones chiefly used in interstate commerce. Reckless driving penalties these operators incur while driving smaller and also noncommercial vehicles should, however, count against their privileges to drive these huge trucks.

The transmission of all this information must be made electronic. The existing National Driver Register has made great progress in developing, though not implementing, means by which such facts could be transmitted almost instantaneously. The National Driver Register is also laudable for the means by which it protects drivers' privacy. Its central file contains little information beyond the driver's name, state, and the fact that his state has more information on him. It serves as a "pointer" to the more complete state files. The new system should operate in a similar way but take advantage of modern technology.

One would hope that the uniform commercial drivers license program will attract participation on its own merits. But I would not be opposed to the withdrawal of some portion of federal highway monies from those states which refuse to cooperate. Federal highway safety monies in the form of Motor Carrier Safety Assistance Program (MCSAP) funds could be used to finance the working group and to assist in implementing the program.

As to costs of such a program, the estimate I have seen is 20 to 30 million dollars for the entire electronic data network and some forty dollars per truck-specific licensing exam. These costs could easly be met by user fees. If each truck driver were to be tested as often as every two years, the cost of the data network plus tests would still run each driver only about thirty dollars per annum. That is a small price to pay for the safer, more reputable trucking industry that the truckers would benefit from and a small price to charge for admission to the safer, more pleasant roads from which the rest of the country would benefit.

STATEMENT OF THE NATIONAL ASSOCIATION OF REGULATORY UTILITY COMMISSIONERS

This statement is submitted for the record to the Senate Committee on Commerce, Science and Transportation on behalf of the National Association of Regulatory Utility Commissioners (NARUC).

The NARUC is a quasi-governmental, nonprofit organization founded in 1889. Within our membership are the governmental agencies of the fifty States, the District of Columbia, Puerto Rico and the Virgin Islands which are engaged in the regulation of utilities and carriers. Our chief objective is to serve the consumer interest by seeking to improve the quality and effectiveness of government regulation in America.

The Association greatly appreciates this opportunity to present our views on S. 1903, a bill proposing the Commercial Motor Vehicle Safety Act of 1985. While the NARUC Executive Committee has not taken a formal position on this legislation, the NARUC Committee on Transportation has considered the bill and the following comments represent the committee's concerns.

The bill, as written, must be applauded for the serious questions it addresses and the solutions that it seeks. The change to 49 U.S.C. 521(b)(9) is commendable because it gives penalty monies for safety violations to a fund to be used in the furtherance of safety. Thus, it is our opinion that the change is needed in the interest of continued funding for safety programs.

Although the NARUC Committee on Transportation wholeheartedly endorses the concept of random roadside inspections and is vigorously pursuing an effective, comprehensive program, the concept of random drug testing does appear severe. We recommend that an officier have "probable cause" or at the very least "reasonable suspicion" in order to administer such a test. Guidelines need to be established that will indicate which method of testing (blood, urine, etc.) is most desirable and which tests are accurate enough to withstand an admissibility test before our courts. A possibly better alternative to strictly random roadside drug tests is placing the responsibility for random tests with the company and giving the State the ability to perform said testing upon having probable cause. The reason is two-fold. With both male and female drivers and inspectors working, opposite sexes will not be able to administer urine tests to one another without placing each at risk of having false charges levied against them for impropriety. Therefore, if the officer cannot view the sampling, then the chain of evidence is forefeited and the analysis is inadmissible in court. The second reason is that an employee can send the drivers to a physician, or have the physician/technician present, to have the necessary samples taken in a controlled environment. A dual responsibility will ensure that a greater cross-section of drivers are tested. The prompt suspension of drivers with a controlled dangerous substance within the blood stream or having a blood alcohol content (BAC) of .10% without question is uniform with existing States statutes.

Our gravest concerns are with the implementation of a National Uniform Driver's License. Although the concept of a National Uniform Driver's License for Interstate Commercial Vehicle Drivers is most desirable, S. 1903 does not provide for any State participation or authority in its issuance. It is our desire that the Secretary of Transportation meet with the States and promulgate rules and disseminate developmental monies for a National Uniform Drivers License.

We would like to enumerate the following problems with the current system of individual State Licenses:

Some studies show that nearly 90% of all truck accidents are caused by human error.

Drivers obtain multiple driver's licenses to spread their convictions on many licenses, and if one is suspended, they have another to keep driving.

Drivers obtain licenses in one State when they are under suspension in other States, and the issuing State is unable to verify.

There is no uniformity in written testing requirements. Motor Carrier Safety Regulation questions are not being incorporated, and there is no separate questioning for Hazardous Materials Drivers.

There is no uniformity for road testing. Many States require no road test for large vehicles.

There is no uniform classification of licenses that informs an officer of what a driver is qualified to operate or allows a driver to be tested for that which he wishes to be allowed to operate.

Bureau of Motor Carrier Safety standards for driver qualifications—specifically a valid license, medical examination, written test, and road test—are separate from standard licensing procedures. It will be much easier to have all this incorporated into the State issued licensing process.

It is our desire to have a licensing system that will be required of all fifty States to implement, yet still be administered and issued by the States themselves.

The issues to be addressed are as follows: Classes of licenses, written exam, road test, medical requirements, disqualification, and issuance of the license itself.

CLASSIFICATION

A uniform classification for licenses that delineates between straight trucks (over 10,000 lb. GVWR), tractor-trailers, straight trucks carrying hazardous materials, tractor-trailers carrying hazardous materials and Cargo Tanks would be most beneficial. Such a classification would allow specific road testing in the vehicle(s) that a driver would like to operate and a written exam to conform with the vehicle and the commodity being transported (hazardous materials versus freight of other kinds).

WRITTEN TESTING

Written testing should include questions on the rules of the road, the Motor Carrier Safety requirements found in 49 C.F.R Sections 392, 393, and 396, and, for hazardous material drivers, questions found in 49 C.F.R. Sections 397 and 177, and the basics on shipping papers, marking, placarding, and emergency procedures.

ROAD TESTING

The driver should be required to operate the type of equipment that he is applying to be licensed to operate. Because it is reasonable to believe that a person who can operate a cargo tank, can also operate a van trailer, flat bed or straight truck, only the largest or most complex vehicle should be utilized for the test.

MEDICAL REQUIREMENTS

When a driver appears at the testing station for his license, he should have a copy of his medical examination to be eligible to take the test. A call to the doctor listed should be placed to verify the examination. If the medical examination shows that the driver is unqualified, then that information should be entered into the licensing files to be forwarded to a central file.

DISQUALIFICATION

All offsenses that require disqualification should be entered along with normal traffic offenses to be forwarded to the central file.

ISSUANCE OF LICENSE

All States will need to issue the license according to the rules agreed upon by the States and the Secretary of DOT. The license would require a minimum of the following: a submitted medical exam, a completed uniform written test for the class of license applied for, and a road test for that class of vehicle.

The driver would then be required to carry a license with a common numbering system or identifier which would disclose whether the driver is engaged in intrastate and/or interstate commerce.

The license should apply to both commerical and non-commercial use. It is our opinion that a driver's habits in his personal vehicle will influence his habits within a commerical vehicle. Licensing for non-commercial drivers only would remain unchanged.

A central file should be established to list the drivers name, State of issuance, license number with the identifier, social security number, date of birth, what type of vehicle(s) can be driven, and whether the license is valid or not. The particulars of the dirver's history can be obtained from the State of issuance. The cost of changing and implementing the States' licensing procedure should be borne by the federal government with initial funds. Thereafter, it should be the responsibility of the State and driver to bear the burden of the cost for administering the exam. The overriding reason for continuing to have the States issue licenses is that historically, the licenses have been administered by States. The States already have a mechanism of issuance and testing, and the testing centers are convenient to the public. In these times of severe budget constraints, it makes good fiscal sense to rely on a bureaucracy that is already in place at the State level. In addition, the States have been far more effective in enforcing licensing than has the federal government. It is our sincere hope that if this program is enacted for interstate drivers, the States will then require these licensing procedures for their intrastate operators as well.

The NARUC is pleased to see the language incorporated in this bill that raises the ceiling for Motor Carrier Safety Assistance Program (MCSAP) funding. This program is vital to a nationwide safety enforcement effort. It is our hope that Congress will direct the Secretary of DOT to allow States that have partial implementational authority of MCSAP—for example, the authority to regulate for hire carriage and not private carriage, or tractor-trailers and not straight trucks—to receive partial implementation funding from the MCSAP. Any additional funding will enable the States to conduct more safety inspections, develop an information data base, and possibly convince their legislatures that the other vehicles (not under this authority) need to be inspected also. Again, we encourage the adoption of the higher funding levels.

Thank you for this opportunity to present our views.

STATEMENT OF DENIS R. ZEGAR, VICE PRESIDENT OF GOVERNMENT SERVICES, NATIONAL-AMERICAN WHOLESALE GROCERS' ASSOCIATION

Mr. Chairman and members of the Senate Committee on Commerce, Science and Transportation:

INTRODUCTION

I am Denis R. Zegar, Vice President of Government Services, National-American Wholesale Grocers' Association, Inc. NAWGA is very grateful for this opportunity to present its testimony with respect to S. 1903, the Commercial Motor Vehicle Safety Act of 1985, introduced on December 5, 1985 by Senator Danforth and Senator Packwood.

By way of identification, NAWGA is a national trade association comprised for grocery wholesale distribution companies whose primary line of business is the supply and service of independent grocers throughout the United States and Canada. The independent grocer still represents over 50% of the total retail sales in this country and is one of the strongest segments of independent businessmen in the nation. NAWGA members operate over 700 distribution centers nationwide with a combined annual sales volume of approximately $50 billion, which accounts for roughly one-third of the nation's grocery supply sales. NAWGA's food service division, the International Foodservice9 Distributors' Association (IFDA), represents member firms which annually sell over $10 billion in food and related products to the institutional, away from home food service market. NAWGA members employ approximately 250,000 persons nationwide, but working with their independently-owned supermarkets, they actually employ well in excess of several million people. NAWGA provides research, technical, educational and government service programs on behalf of its 400 members.

The overall issue of safety in trucking operations has always been of fundamental concern to NAWGA's members. These members operate private truck fleets of their own which are integral to the functions of their businesses. In addition, NAWGA members are shippers and receivers of food product lines that are picked up and delivered to them by hundreds, if not thousands, of for-hire motor common carriers and contract carriers under the jurisdiction of the Interstate Commerce Commission as well as by independent owner-operators. In addition, and of late, NAWGA members, as private carriers, have been utilizing very extensively supplemental operating authority issued by the Interstate Commerce Commission. This authority is utilized to offer incidental or supplemental for-hire service to shippers requiring such where the offering complements the ongoing proprietary trucking operations of NAWGA members. Trucking safety pervades all of these functions and operations of NAWGA members.

NAWGA'S SAFETY PROGRAMS

Indeed, NAWGA conducts many programs and seminars to educate its members about state and federal safety requirements as enunciated by the Bureau of Motor Carrier Safety, Federal Highway Administration, Department of Transportation and individual state agencies. NAWGA covers both the interstate and intrastate levels because the trucking operations of its members are conducted on both levels, thus bringing to bear concern with compliance under both state and federal safety regulations.

To further this educational process, NAWGA has recently published the NAWGA Truck Safety Manual. This manual is supplied to each NAWGA member and is updated at least once a year with appropriate supplements so as to apprise NAWGA members of changes in or additions to safety regulations affecting trucking operations. This is an ongoing publication of NAWGA which has been well received by its member companies.

Compliance with safety requirements is good business. The very nature of the transportation of food products demands both extreme care and prompt delivery schedules. This is true whether the NAWGA member is utilizing its own proprietary fleet or is the beneficiary, as a shipper or receiver, of trucking service from ICC regulated or exempt for-hire carriers.

The level of intensity of competition in the wholesale grocery industry is such that effective and safe trucking operations are of paramount concern to NAWGA members because of the profound conviction that safety is good business. NAWGA members cannot jeopardize their primary business activity by any compromise in the highest levels of safety compliance and understanding. To do otherwise would be to short circuit the efficient operations of wholesale grocers and to raise, even more than they have been of late, the cost of public liability insurance.

NAWGA members have an outstanding safety record as proprietary carriers, and they want to continue to assure maintenance of this record, not only to further their primary business interests, but also, consistent therewith, to maintain the most effective control on insurance premium expenditures. It is thus in this context that NAWGA views S. 1903, the Commercial Motor Vehicle Safety Act of 1985.

S. 1903

As understood by NAWGA, the Commercial Motor Vehicle Safety Act of 1985 would establish a commercial motor vehicle safety fund. This federal trust fund would receive penalties and fines collected for violation of interstate truck and vehicle safety standards. Monies in the fund would be used as specified in Section 4 of the Commercial Motor Vehicle Safety Act of 1985.

In addition, and on the subject of random inspections, the Act would direct the Secretary of Transportation to make incentive grants from the new trust fund to states that conduct frequent random equipment inspections of trucks and buses and random testing of drivers for alcohol and drug use. Such grants could only be used by a recipient state to implement and enforce such a program. Any person with a blood alcohol concentration of .10 percent or greater when operating a commercial vehicle will be deemed to be operating such vehicle while intoxicated. Moreover, "controlled substance" will be defined in accordance with the Comprehensive Drug Abuse Prevention and Control Act of 1970. In a companion bill, S. 1904, referred to the Committee on Environment and Public Works, further provisions are proposed with respect to the operation of commercial motor vehicles by intoxicated persons. When hearings are held on this latter bill, NAWGA will comment more specifically in its provisions.

Further, the Commercial Motor Vehicle Safety Act of 1985 will direct the Secretary of Transportation to establish a national operator's license for commercial motor vehicles within 18 months of enactment. Persons who violate this provision will be assessed a civil penalty not to exceed $5,000 for each violation. In order to assist the Secretary of Transportation in administering this Section, state licensing officials will be obliged to provide information concerning persons denied a state license or whose license is cancelled, revoked or suspended.

Finally, as to the Motor Carrier Safety Assistance Program of 1982, S. 1903 will provide an increase in funding and an extension for two years for funding authorizations of safety assistance grants to the various states. The authorized funding for fiscal years 1987 and 1988 would be increased to $50 million and $60 million, respectively (from $40 million and $50 million). Authorizations of $70 million and $80 million would be provided for fiscal years 1989 and 1990, respectively.

NAWGA POSITION

The National-American Wholesale Grocers' Association, having carefully evaluated all of these proposals in S. 1903, herein states its endorsement of them. Passage of S. 1903 would greatly enhance the safety of trucking operations on the nation's highways. NAWGA would like to comment, however, more specifically with respect to the proposal in S. 1903 that would direct the Secretary of Transportation to establish a national operator's license for commercial motor vehicles within 18 months of enactment.

Although NAWGA supports this proposal, it is its understanding that there is some resistance to the establishment of a national operator's license coming from the Federal Highway Administration of the Department of Transportation. If NAWGA is correct in this regard, it appears that the FHA is reluctant to be the administrator of such a centralized licensing system. Alternatively, with uniform federal standards and procedures being delineated, NAWGA believes the states could administer such a system. Plainly, the current multiplicity of licensing of individual drivers on a state-to-state basis contains a number of problems requiring prompt remedy. If, indeed, the FHA is unwilling to administer such a federal centralized system, the utilization of uniform federal standards, as implemented by appropriate state agencies, may well contribute to a resolution of the problem of multiple licensing of vehicle drivers. Any federal/state program cannot be successful without an improved driver licensing arrangement.

NAWGA believes that problem drivers must be identified and sanctioned. In order to do this, there must be full knowledge of the complete license and traffic violations record of every driver of heavy trucks. Current licensing and control efforts through the Uniform Vehicle Code, the Classified License Program, the National Driver Register, the Driver License Compact, and the Federal Motor Carrier Safety Regulations have not, in the view of NAWGA, been all that effective. At the present time, drivers can obtain licenses to drive large trucks even though they are only tested on smaller trucks or cars. Moreover, drivers can obtain more than one license to spread their violations. This makes it very difficult to detect a bad driving record. Finally, states, as far as NAWGA understands it, do not exchange sufficient information about traffic violations. Thus, an individual's license record is often incomplete.

NAWGA, therefore, recommends, consistent with S.1903, the established of a uniform national commercial drivers license either issued by the Federal Highway Administration or, if deemed approrpiate, by state licensing agencies and classified by type of vehicle. This latter arrangement should reflect, as has been suggested by the American Trucking Associations, an identification process so as to verify that an individual driver has not been issued a license by another state. There should be uniform standards for testing the knowledge of traffic laws and rules of the road, knowledge of vehicles and vehicle inspection procedures and skill in handling the vehicle. Also of significance would be a requirement that information about traffic violations should be forwarded to the state of licensure to assure a complete record of a commercial driver. On the other hand, if we are to have a totally federally administered system, the information about traffic violations should be forwarded to the Federal Highway Administration.

As far as the multiple licensing problem is concerned, NAWGA notes that frequenly truck accident investigations indicate that the truck driver involved held licenses from several states and that the driver's poor traffic record had been spread over the various states' licenses so that the record never became negative enough in any one state to result in either a suspension or a revocation of the license. In other situations, drivers have been found to have lost their privileges in one state. Nevertheless, they were continuing to drive on a valid license obtained from another state.

In 1980, the National Transportation Safety Board published a report on the problem based on its investigations of truck accidents. The 44 commercial drivers involved had a total of 63 licenses, 98 suspensions, 104 accidents, and 456 traffic convictions. The Board concluded that, ". . . . in spite of three levels of commercial driver screening—the NDR (National Driver Register), state driver licensing policies, and screening by motor carriers pursuant to federal regulations, problem commercial drivers continue to be licensed by the States and employed by motor carriers to operate heavy trucks and other commercial vehicles."

In another assessment of the problem done joinly by the National Highway Traffic Safety Administration and the American Association of Motor Vehicle Administrators, a roadside survey in 5 states indicated that the percentage of drivers with multiple licenses ranged from 10.8 to 32.1. Records of some of the drivers were spot-checked and showed that they were continuing to operate on valid licenses despite long records of violations and accident involvement. The conclusion of this study states, ". . . . there appears to be a significant incidence of multiple licensing among the interests truck drivers surveyed." NAWGA assumes reasonably that the record would confirm that it is the poorer drivers who are most likely to secure multiple licenses.

The two aspects of commercial vehicle safety which reflect the trucking industry's and, indeed, all highway user's greatest need for government assistance are the areas of (1) driver licensing to evaluate the basic ability of the individual to safely operate the type of vehicle or combination to be driven, and (2) the establishment and maintenance of a central data bank containing license information that will effectively control the commercial vehicle driver multiple licensing problem. It is axiomatic that a person who will be driving a large and complex vehicle such as a heavy truck or a tractor-trailer combination should not be authorized by the state to do so without that person's having demonstrated that he or she has the knowledge and ability to safely handle the equipment. NAWGA also believes that there must be a determination that such persons are physically capable of meeting the demands of the job.

CLASSIFIED LICENSING

Only 27 states have classified licensing and test the applicant's ability to drive the vehicle for which the license is being sought. However, there is a wide variation in these state programs. Some states have set classes as low as 6,000 pounds gross vehicle weight rating (GVWR). Several others have a class starting at 30,000 pounds, and in one state, a classified license is not required until a gross weight of 40,000 pounds is reached. Some states provide for a classified license based solely on weight with no distinction made between the driving of a single-unit straight truck or a tractor-semitrailer or other combination unit. Requiring a classified license for a 6,000-pound vehicle is extreme, but failing to require separate licensing for heavy straight trucks and tractor-semitrailers is inexcusable.

The program NAWGA endorses has two major benefits. First, it would establish a procedure for evaluating the competence of drivers prior to granting them the privilege of operating large commercial vehicles. Second, it would provide a means of checking to determine whether or not an individual holds a commercial vehicle license in more than one state. The necessary balance can be made between a classified licensing system that makes essential distinctions in the knowledge and ability required to safely operate major types of vehicles, and a system with so many classes as to be overly burdensome. The system should be essentially as follows:

Class 1, any combination of vehicles comprising one or more towed units and having a GVWR of 26,001 pounds or more.

Class 2, any single unit vehicle having a GVWR of 26,001 pounds or more.

All licenses would be issued by the states, as is now the case or, if so decided and in accord with S. 1903, by the FHA. All persons driving the categories of vehicles covered by Class 1 and Class 2 licenses would be required to carry a license validated for operation of a commercial vehicle whether they are driving in interstate commerce or interstate commerce. The nature of the operation, potential hazards, and the knowledge and skill required for safe operation are dependent on the size and type of vehicle, not on whether it is operating in intrastate or interstate commerce.

MEDICAL QUALIFICATIONS

Drivers in interstate commerce have been subject to the requirements of the Federal Motor Carrier Safety Regulations for many years. NAWGA believes these requirements and the requirement for periodic medical examinations are necessary to assure that drivers are able to meet the physical demands of operating large vehicles and of safely performing the non-driving aspects of their jobs.

WRITTEN TESTING

Written testing should be required for Class 1 and Class 2 licenses, the examination being tailored to the knowledge of safety regulations, safe driving principles and the vehicle that such drivers should have. An applicant should be required to take the test in the English language and achieve a passing grade.

THE ROAD TEST

It is critical to an effective licensing procedure that applicants be tested on the type of equipment for which they are to be licensed. NAWGA recommends that all tests for the Class 1 license be given on a tractor-semitrailer using a van-bodied trailer since that is the most complex equipment to drive. The driver who can safely operate a tractor-semitrailer will have no difficulty with other types of combinations.

Based on NAWGA member's own experience in road testing applicants, the test should be at least 10 miles in length or about 30 minutes in duration, and it should be conducted over a route selected to give the greatest possible number of different driving conditions in the vicinity of the test site. The test should also examine the individual's ability to conduct a pretrip inspection and the coupling and uncoupling of the unit.

ISSUANCE OF LICENSES

An application would be filed with the state or federal motor vehicle agency 60 to 90 days prior to the expiration of the license the driver currently holds or for issance of a new license. Name, date of birth, operators license number, and a unique identifier would be recorded. A unique individual identifier utilized by all states would be necessary to check for the issuance of multiple licenses from different states to the same individual whether under one name or several if there is no federal license. This application would also be used for the entry into the centralized Commercial Vehicle Driver License Register.

The advance period for submission of applications is intended to provide time for transmittal of applications to the Commercial Vehicle Driver License Register by mail and to afford time for crosschecking of "identifiers" to detect those applicants to whom multiple licenses may have been issued. In the event that a person is found to have more than one license, the state of inquiry would be precluded from issuing a commercial vehicle driver license to that applicant. Only a license issued by the individual's state of residence would be valid. New technology for establishing unique identifiers is now available that will allow the identifier to be more readily transmitted and processed by computer. NAWGA believes the highway safety community must take advantage of this new technology to solve the problem of multiple commercial vehicle driver licenses.

NAWGA estimates that some 3 million drivers could become subject to the classified license program and the Commercial Vehicle Driver Register. This estimate is based on registration of 2.1 million trucks and tractors with a GVWR of 26,001 pounds or more and a factor of 1½ drivers per vehicle, an approximation based on the driver to vehicle ratio of most companies. NAWGA believes that the size of the population clearly indicates that present drivers of large trucks and combinations must be grandfathered into the system and that full-scale testing be limited to new applicants unless some efficient and nondisruptive way can be found to test existing drivers.

Based on the 4-year life of a license used in most states, it would be necessary to issue classified licenses to 750,000 persons per year and to make the basic entries in the Commercial Vehicle Driver Register. Over a 4-year span the initial set of license renewals would be completed.

RENEWALS

As previously noted, most states issue licenses for a 4-year term. NAWGA does not anticipate additional testing for renewal unless it is otherwise required by the laws of the state. A driver would apply for renewal 60 days in advance of the expiration of the current license and show a valid medical certificate. The application would be handled in the manner described above for new applicants.

It is necessary to bring currently-employed drivers into the program without requiring further testing. Over the years, the states which have implemented classified licensing have grandfathered presently-employed drivers without diminishing the value of the program. NAWGA believes that present drivers should be exempt from testing procedures to avoid the cost and complications of coping with a very large one-time burden of testing. In addition, most of these drivers are experienced drivers making a road test for them inappropriate and unnecessary.

COMMERCIAL VEHICLE DRIVER LICENSE REGISTER

Presently, the effectiveness of the commercial vehicle licensing processd is wholly dependent on the honesty of the driver in giving information on licenses held. If the driver conceals the existence of a license against which there is an adverse record, there is no certain way for the carrier to learn of the situation. These loopholes in the system can be closed by the establishment of a Commercial Vehicle Driver Register which would contain license and individual unique identifier information pertaining to commercial vehicle drivers.

The implementation of a Commercial Vehicle Driver Register is critical to an effective licensing program. The Register would contain license information for individuals licensed to operate a truck or combination unit with a gross vehicle weight rating in excess of 26,000 pounds. If the basic record includes a unique identifier, the individual cannot circumvent the system by the use of aliases, fictitious addresses, or other means.

Each entry would include the name and address of the licensee; a physical description including height, weight, and color of hair and eyes; the unique identifier; class of license; and state of licensure. The license issued to the driver would also include a color photograph of the licensee to permit ready identification in the field. The Register, itself, would provide the screening mechanism through use of the unique identifier to assure that no more than one commercial vehicle license is issued to any person. It would also serve as the "pointer" to indicate the state which issued the license and in which the driver's history is recorded.

TRAFFIC VIOLATIONS

Assuming we end up with a state administered uniform national licensing standard, all records of convictions or forfeitures while operating a commercial vehicle should be forwarded to the motor vehicle agency of the state which issued the license so that it may be entered against the driver's record. This should indicate the type of vehicle in which the violation occurred. This information is critical to monitoring and controlling commercial vehicle drivers through the licensing process. This means that convictions occurring out-of-state must be forwarded to the state which issued the license following conviction or forfeiture so that the driver's complete record is available at a single location.

It is essential that the information be available not only to official agencies, but also to the employers and prospective employers of drivers. Current regulations, and trucking industry practice, mandate obtaining driver record information as a part of the screening process. The Federal Motor Carrier Safety Regulations currently specify that the record be checked for the past three years in each state in which the driver has held a license. The regulations also require an annual review of the driver's record and an annual report by each driver of all convictions of moving violations.

The effectiveness of the regulations is dependent on the honesty of the drivers in acknowledging the state(s) in which they have licenses and in the reporting of all convictions. There is currently no way for the carrier to know with any certainty of the complete record of a driver who conceals the fact that he or she has more than one license.

SANCTIONS

Current provisions of the Federal Motor Carrier Safety Regulations provide for driver disqualification:

(1) For the period of time in which the drivers' license is suspended or revoked.

(2) For a period of 1 year for a first offense and 3 years for a subsequent offense for any of the following which occur while on-duty operating a commercial vehicle—

(i) Operating under the influence of alcohol or certain drugs;

(ii) Transportation, possession, or use of certain drugs;

(iii) Leaving the scene of an accident involving death or personal injury;

(iv) Commission of a felony involving the use of a motor vehicle.

NAWGA supports the provisions for disqualification, but NAWGA believes that there must be additional provisions dealing with accumulated convictions for lesser offenses. Only if this is done can carriers meet their responsibilities to remove from the road those drivers who begin to develop unsatisfactory records. To achieve this objective, NAWGA recommends a 90-day disqualification for a driver who is convicted of three or more moving violations in any 12-month period.

FUNDING

Start-up-funding for a uniform commercial driver license system should come from the present Motor Carrier Safety Assistance Program (MCSAP). NAWGA believes it is essential that each state adopt the complete truck safety package including classified licensing, full interchange on convictions of moving violations while operating a commercial vehicle, and the present driver/vehicle inspection program. Otherwise, the state would not be eligible for MCSAP funding. This requirement is an essential incentive to the states to implement an effective commercial vehicle control program. The program can become self-sustaining through an appropriate user fee structure.

DECLINE OF FATALITIES FROM TRUCK ACCIDENTS

No testimony from NAWGA would be complete without noting that in 1984 and 1985, according to data released by the Bureau of Motor Carrier Safety of the Federal Highway Administration, injuries and fatalities from truck accidents involving interstate carriers, as reported to the Bureau of Motor Carrier Safety, declined. In 1984, BMCS statistics show that there were 29, 149 injuries. These dropped in 1985 to 28,937. In 1984, the same BMCS data indicate there were 2,721 fatalities. In 1985, this level declined to 2,676 fatalities. It is interesting to note that these declines from 1984 came during a period when truck fleet mileage increased by about 5%.

On the subject of reportable accidents, as distinguished from injuries and fatalities, NAWGA notes referrence to an 18% increase in 1984 according to figures maintained by the BMCS. This statistic has been given widespread publicity and has been used as a very misleading argument to the effect that economic deregulation of the trucking industry since 1980 has compromised trucking safety. NAWGA does not subscribe to this view. The 18% increase relates to reportable accidents involving interstate motor carriers. It should be noted that as of 1973, they have been obliged to report all accidents involving a fatality, physical injury or property damage in excess of $2,000. As far as the 18% is concerned, NAWGA understands that the BMCS has revised its 1984 accident figures, reducing it to 37,823. This calculates to be a 16%, not an 18% increase over the 1983 figure of 31,628.

Moreover, and importantly, the fact of inflation should be acknowledged with respect to the $2,000 and above level in property damage requiring that the accident be reported. In this connection, the BMCS has indicated that 7,390 additional accidents were the subjects of reports in 1984 as compared to 1973, when reporting went into effect, because inflation has elevated the damage level over $2,000. The BMCS has, as a result, changed its rule for reporting damage to a new threshold of $4,200. This is an inflation index adjustment calculated since 1973. It seems reasonable to conclude that the increase in reported truck accidents in 1985 from 1984 does not necessarily suggest an increase in the actual number of accidents. If it were otherwise, how could we explain the decline in injuries and fatalities in 1985 over 1984?

Further on the subject of accidents, fatalities and injuries, the Committee will note that we are attaching as Appendix 1[1] a summary supplied by the Coalition on Motor Carrier Reform of which I am Cochairman. We think it will be of interest to this Committee. We think it conclusively demonstrates that there is no nexus between economic deregulation and the question of highway truck safety.

Thank you.

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[1] The attachment was not reproducible.

STATEMENT OF DAC SERVICES

COMMERCIAL VEHICLE DRIVER LICENSE

Industries, motor vehicle administrations, and law enforcement agencies all agree that the problem commercial driver must be brought under control. We need an effective way to assure compliance with Federal Motor Carrier Safety Regulations which require that we seek full and complete knowledge of a driver's driving and employment record during the preceding 3 years.

Background information—previous employment disclosure

Despite the regulation requiring a company to inquire as to a newly hired driver's employment history within 30 days of employment, the bad actors are not be detected. The primary reasons are:

(1) It is easy for the driver to omit naming an employer for whom he performed unacceptably;

(2) Many employers are concerned that giving out negative information on a driver may result in a law suit;

(3) Some safety and personnel managers have developed a defeated attitude that the system is stacked against them and they just go through the motions of checking out drivers.

It should also be noted that if a company hires a driver and then checks out his driving and employment history in the next 30 days as allowed by regulation, the company is taking an unacceptably large risk of liability for damages that may be caused by the driver during the check our period. The information must be accessed and evaluated before hiring the driver!

DAC Services has a system in place that offers real hope to the transportation industry in solving most of the problems associated with disclosure of previous employment.

Transporation companies are joining together to share this information electronically. Upon termination, a driver's employment performance is transmitted to DAC's central computer where it is available for instant retrieval. The information is coded, allowing speed of entry and minimum storage space. The codes include period of employment, reason for leaving, driving license number, equipment operated, loads hauled, work experience, and accident record.

The information is structured to strictly conform to the Fair Credit Reporting Act and protects both the driver and the transportation company so that a free flow of information can be effected. This system is new and its growth is accelerating from essentially no driver records at the beginning of this year to currently from 800 to 1000 driver records per week. The input rate should quadruple by year's end and will continue increasing for the next three to four years. Transportation members are already finding useful results from this information system even though the file is in its infancy.

This Previous Employment Information system is described because of its bearing on the concept of a national central file of driver license information: A computer based central file of information has been implemented and is accessible by the transportation community. It is accessible by a number of methods ranging from the member phoning a DAC operator, to use by simple printer/terminals, personal computers, or large computers online to the system.

Previous driving record disclosure

DAC Services is currently providing driving records to its transportation members and insurance clients from all the states except Massachusetts. The primary system for communication between DAC and each state is via remote equipment. We have transmission equipment installed at our office in the state capital. Each day our users transmit requests for driver records to our central computer according to the individual data requirements of each state. At a designated time for each state, requests for driving records are trasmitted from our central computers to our remote equipment located in the state where it is placed on magnetic tape. This tape is delivered to the state's Department of Public Safety computer for over night processing against the state's file of registered drivers. The next morning, the tape is picked up and transmitted back to the central computer and the information made available to the user. There are some states that have the capability to accept online systems, while some states (very few) require punch cards or printed requests for information.

Private sector approach to the multiple license problem

DAC is currently collecting information pointing to driver's previous (and sometimes undisclosed) driving records in several independent modes:

(1) Previous employment records provided by the transportation companies include license information on the driver while employed by the company;

(2) Many thousands of commercial driver license requests are processed monthly by DAC. We save a pointer record on each driver that includes the state and license number ordered (we do not save information concerning the driver's driving record). Even though the file has been growing for only a few months, we are currently detecting 5-6% "other" licenses.

(3) Some 25 States plus the District of Columbia currently have social security number somewhere in their data record. (In many of these states, the driver may elect to not use his social security number—but the vast majority of drivers currently use their social security number.) We have recently solicited these States and the District of Columbia to share their commercial license records with the transportation community and with each other in the form of a central file of "Pointer" information. Already three States have provided data—North Dakota, Nevada and Iowa and three have committed, New Jersey, New Hampshire and West Virginia. We have the expectation that others will soon follow. Eventually, we hope to have all of these sources sharing data and eliminating multiple commercial licenses within that group. With the success of this group, we believe that the transportation industry, highway administers and public safety activists will persuade the remaining States to join in. (In the event of successful passage of proposed legislation covering interstate commercial drivers, this system can be abandoned unless it is deemed desirable to maintain for control of intra-state commercial drivers).

Opinions concerning the multiple license problem

A standard system used by all States for commercial drivers is badly needed. Such a system should:

(1) Use a common identifier. This identifier can be a driver's social security number or a bio-metric identifier (such as fingerprint or retinal scan).

(2) Assure that a commercial driver can only operate under one license at a time and that his previous record is appended to his new license in the event of switching to a new state.

(3) Provide for violation communication for effective monitoring of commercial drivers' compliance with traffic laws. States must universally and promptly transmit driving offenses committed by drivers to the licensing State. (In the event that a central file of commercial drivers were implemented, it would require only a very modest effort to use the central computer as a delivery mechanism from the state where the violation took place to the state of license.)

(4) Set violation standards. It would be helpful to all concerned in controlling the bad commercial driver if standards would be shared by the States—both in terms of defining the violation but also in agreeing on what information to disclose to employers.

(5) Be based on a classified license system. Standards should also be set where States share a common testing and classification system for commercial drivers.

Standard identifier for commercial licenses

It should be noted at the outset that any system using whatever standard identifier will contain loopholes for criminal minded drivers, unless a method is included for law enforcement offices to have instant access to the information. Instant access by law enforcement officers enables them to prove that the driver is indeed who he says he is and is authorized by the company to operate its equipment. There are several approaches possible for including law enforcement but will not be commented on at this time except to note that they should be considered prior to system design. The design must assure that a cost effective and useful system can be implemented in the future which is be compatible to the system implemented now.

Fingerprint as an identifier: Advanced technology makes fingerprinting feasible as an identifier. The system would be substantially more expensive than, say, use of the social security number since one must have a secondary system which is used only for the purpose of "validating" the print. That is, a computer based system used to store the digitized prints and to compare all new prints against the file to assure no multiple licenses. Also, completely separate system of inputing prints from the licensing location would have to be constructed involving either finger scanning and transmitting equipment at each licensing location or use of fingerprint cards mailed to a central scanner. Without equipment in the law enforcement officer's car to scan the commercial driver's finger and compare against the license issued, there would be no protection against the driver using another's license.

The Social Security Number as an identifier: The social security number is the most widely used identifier. It suffers from popularly held mis-conceptions about its validity and control. It is true that at one time, there was little control over its issuance. In the last few years, the social security administration has successfully implemented very stringent control over its issuance. They also now offer a service to private and public sectors whereby they validate that a given social security number has truly been issued to a named individual. It would appear that the new social security controls, combined with file validation, compares favorably with a fingerprint identifier in plugging the multiple license loophole. The chief advantage of using social security is that it is much cheaper to implement and operate. Half the states already have the ability to use such a system immediately. It should be noted that a system utilizing a central file registering all commercial drivers indexed by social security number could later be rather easily correlated with a validation system using a biometric identifier such as fingerprint.

Summary

It is clear that something must be done to control irresponsible, careless and lawless commercial drivers. A central file approach utilizing validated social security numbers as the identifier could be implemented in 25 states within a very short time with the remainder states phased in as licenses come up for renewal. The cost to the public for such a system would be quite modest and it lends itself well to future enhancements if they be indicated as necessary or desirable.

National Association of Manufacturers,
Washington, DC, June 12, 1986.

Hon. John C. Danforth,
Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, DC.

Dear Mr. Chairman: The National Association of Manufacturers would like to join those supporting the enactment of S. 1903, the Commerical Motor Vehicle Act of 1985, which you introduced along with Senator Bob Packwood.

As one of the leading proponents in the effort to complete the deregulation of the trucking industry, we have maintained consistently that the issues of safety and deregulation in the transportation industries are separate and distinct. In fact, our May 1, 1985, statement to Senator Packwood urging the prompt enactment of S. 2240 pointed to S. 1903 and S. 1904 specifically as legislation which could address many of the safety concerns within the tranportation field independent of whether a trucking deregulation measure was adopted.

NAM believes that enforcement is the key to increasing the level of safety and is pleased that S. 1903 grants additional incentives and funding to the states to accomplish this. In addition, the creation of a national truck driver's license issued and administered by the Department of Transportation should help to alleviate the situation of irresponsible truck drivers obtaining licenses from more than one state in order to continue driving on one license while another is under suspension.

As manufacturers, our members are extremely concerned about the safe operation of motor carriers since products must arrive at retail outlets in good condition before they can be sold. We appreciate your leadership in this area, and urge the full Committee on Commerce, Science, and Transportation to report S. 1903 favorably for the consideration of the full Senate as soon as possible.

Sincerely,

James P. Carty,
Vice President.

Regular Common Carrier Conference,
Alexandria, VA, July 11, 1986.

Hon. John C. Danforth,
U.S. Senate,
Washington, DC.

Dear Senator Danforth: I am enclosing for your information a petition we have just filed with the ICC requesting that they investigate what the trucking industry considers an unreasonable and unfair competitive practice.

Essentially, shipping companies with substantial economic influence over individual trucking firms have, contingent to hauling their freight, dictated conditions to carriers whereby those shipping companies are paid freight discounts, despite the fact that the customers of those shippers are paying the freight charges. We think price discounts are a legitmate activity in the competitive market; however, we feel it totally unreasonable when, for example, a receiver of freight pays undiscounted freight charges and carriers are required to pay to the shipper a discount on those charges.

As we say in our petition, discounting is a bona fide element of competitive pricing and, as such, is in order. However, discounts should be allowed the party that pays the freight charges, not to another company as a deception to that company's own customers.

We hope you agree that this is an unreasonable practice and can encourage the ICC to conduct an appropriate investigation; and based on its findings, issue a simple ruling that will allow discounts to be paid exclusively to those firms which pay the freight charges.

Please let us know if you have any questions or if we may be of assistance.

Sincerely,

James C. Harkins,
Executive Director.

Enclosure [1]

National Solid Wastes Management Association,
Washington, DC, July 15, 1986.

Hon. John Danforth,
Chair, Senate Commerce Committee, U.S. Senate, Washington, DC.

Dear Senator Danforth: On behalf of the Chemical Waste Transportation Council, I am updating a statement submitted for the record when the Committee first announced a hearing on S. 1903, the Commercial Motor Vehicle Safety Act of 1985. As this legislation has been substantially rewritten in recent weeks, I am submitting this statement for the record of your July 15 hearing, on motor carrier safety based on revisions to S. 1903 I have received dated July 7, 1986.

The Chemical Waste Transportation Council (CWTC) is a component of the National Solid Wastes Management Association. The Council was recently formed to serve as a forum for issues specific to the transport of hazardous waste. Members of the Council are those commercial firms that have responsibility for transport of hazardous waste, by truck and rail, from its point of generation to its management destination.

As stated in my letter of June 19, safety is a prime concern of the CWTC. One of the first projects of the Council was development of safety standards for hazardous waste transportation. The research and effort for this project took nearly a year to complete. It is in light of this experience that the Council submits it views on four issues raised by the revised S. 1903:

The National Uniform Commercial Motor Vehicle Operator's License (NUCMVOL);

The Classified Driver's License Information Systems (CDLIS);

Government inspections of drivers to determine if they are intoxicated or under the influence of a controlled substance; and

Funding.

NATIONAL UNIFORM COMMERCIAL MOTOR VEHICLE OPERATOR'S LICENSE

The Council wholeheartedly supports the concept of a national operator's license which would replace the current process which allows issuance of multiple state-required licenses. On May 13, the Bureau of Motor Carrier Safety (BMCS) published in the Federal Register its own proposal for a national driver's license (Docket MC-120). The CWTC considers S. 1903 to be preferrable to the Bureau's proposal. In S. 1903 there are no exceptions to a one-license requirement. However, the Bureau proposal has exceptions for two states (Oklahoma and Montana). These states require a separate license for drivers operating within the state if the drivers are not current residents of each state. The CWTC's concern is that while at this point in time only two exemptions are allowed, more could follow in the future, thus undermining the purpose for which the one-license policy was instituted.

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[1] The enclosure was not reproducible.

The Council supports the policy that retains administration of the NUCMVOL program in the states based on Federally established minimum standards. However, the Council is concerned with one specific provision. As written, S. 1903 would allow any state to set more stringent standards for licenses. If those states in turn refuse to recognize the validity of licenses from other states that, while meeting the Federal minimum requirements, are not as stringent, the purpose of the Act would be frustrated. The legislation should be amended to clarify that states reciprocally recognize each other's NUCMVOL.

In contrast to the BMCS proposal, the revised legislation establishes monetary penalties for violations of the one-license rule. On the other hand, the BMCS proposal imposes license revocations for defined periods of time as its penalties. The CWTC believes the concept of license revocation or suspension for predetermined time periods to be a more effective and equitable penalty.

The Council is most concerned with the policy that limits the applicability of the one-license requirement and other safety features of the legislation to drivers of "placarded" vehicles rather than to all vehicles transporting hazardous materials. While not articulated in the July 7th draft of S. 1903, this policy is reported to have been adopted in principal and is to be included in later versions of the bill.

I must emphasize that it is a malfunction of a truck and/or error in driver actions or judgements that leads to an accident; accidents are not caused by the presence of the hazardous material. From a safety as well as an administrative perspective, the Council strongly recommends that all drivers of hazardous materials be required to meet the more stringent driver qualification standards of the NUCMVOL not just those whose vehicles contain placarded materials. The confusion that would ensue from the existence of two classes of licenses for hazardous materials drivers would probably undermine overall safefy.

Among the criteria listed for the NUCMVOL is a requirement for a driving test in the type of vehicle the driver candidate will be operating. The Council endorses this policy as a means to ascertain the competence of prospective drivers on the variety of vehicles they may be required to operate.

CLASSIFIED DRIVER'S LICENSE INFORMATION SYSTEM

The necessity of establishing a CDLIS goes without question. It would be administratively impossible to expect states or employers to verify with every state the existence of other NUCMVOL licenses. The Council understands that the National Law Enforcement Telecommunications System (NLETS)—a non-profit operation based on Phoenix, Arizona—provides the telecommunications infrastructure that allows real-time exchange of criminal justice and criminal justice-related information among all state, local and Federal law enforcement agencies. Congress should explore the possibility of "piggybacking" CDLIS on NLETS, or at least examine NLETS as a model for the CDLIS.

Whatever model is selected for CDLIS, the Council recognizes the need to establish a fee to support a clearinghouse operation. CWTC supports the requirement in S. 1903 that these fees be limited to the costs of operating the CDLIS.

The Council has two concerns with the CDLIS as set forth in the July 7th draft. The first relates to the discretion the Secretary has to make available information about a driver or driver candidate to employers or states themselves. The Council questions the desirability and need for this discreationary authority. In as profession such as transportation of hazardous materials, the public's right-to-assurance about safe driving habits should take precedence over concerns about individual confidentially and privacy. The CWTC recommends that the legislation be amended to delete the Secretary's discretionary authority with respect to release of information from CDLIS.

The second concern deals with the requirement that the information system include "all States in which such operator currently has a license to operate a commercial motor vehicle." While the NUCMVOL is to be phased in, there is no reason why the one-license requirement cannot be effective at date of enactment. There should be no multiple listing of licenses, and if there are, they should be flagged to apply the full penalties of the law against the driver. This provision as it stands now, at best, lends confusion to what is meant by the one-licence policy established earlier in the bill.

GOVERNMENT INSPECTIONS OF DRIVERS FOR DRUGS AND ALCOHOL

The Council concurs with the desirability and practicality of inspections of drivers to determine whether the operator is intoxicated or under the influence of a controlled substance. However, the Council questions whether or not the Government is the best, or only authority that can conduct these inspections. Another option would be to allow employers to test drivers for alcohol and drug use. Employer liabilities are on the line when drivers are sent on the road. It is in an employer's best interest to keep drug users and intoxicated persons off the road.

Support for the principle of random inspections, and attendant sanctions, espoused by this section of the bill should be dependent on the establishment of uniform, objective criteria to assure equal application of the law. The Council would encourage the Congress to develop such criteria prior to passage of this otherwise worthwhile provision.

The revised legislation introduces two other concerns with respect to the section on drug alcohol testing. The first relates to the penalty established for driving under the influence of alcohol. S. 1903, as revised and in its original form, would simply revoke a license for 150 days. The Council questions whether this is an adequate deterrent especially for repeat offenders.

The second concern relates to the definition of "controlled substances" covered under the bill. It is not clear from the definition if all controlled substances as regulated by the Drug Enforcement Administration are covered. The Council recommends further clarification in the final bill.

FUNDING

The Council is pleased that the Commercial Motor Vehicle Safety Fund has been eliminated from the original version of the bill. The Council supports the bill's new policy that existing trust funds and revenues be tapped to provide for the important activities and programs authorized in the legislation.

Thank you for you attention to the Council's concerns and suggestions. If you have any questions about the points raised in this letter, I will be pleased to discuss them with you at your request and convenience.

Sincerely,

SUELLEN PIRAGES, Ph.D.,
Director.

THE TRAVELERS,
Washington, DC, July 22, 1986.

Hon. JOHN C. DANFORTH,
Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, DC.

DEAR SENATOR DANFORTH: The Travelers Insurance Compaies would like to register its strong support for a national commercial drivers license. An increasing frequency of accidents involving commercial vehicles, the routine transport of hazardous wastes, and federally mandated levels of liability coverage underscore the need for a uniform commercial drivers license which could be issued in accordance with strict safety standards, and monitored nationally for compliance and enforcement.

Your proposed legislation, S. 1903, is an important first step toward a national commercial drivers license, and we applaud your sponsorship of this legislation and your persistent effort to move a bill out of committee. The Travelers believes such legislation should include requirements for procedures, data collection, and enforcement monitoring, and would like to offer a number of suggestions for your committee's review.

On national licensing and data collection, The Travelers recommends:

A mandatory national commercial drivers license (NCDL) for all commercial vehicle operators.

A licensing procedure which includes a written test, road test and medical exam. The written test should specify an above average passing grade. Vehicle operators would be limited to operating a vehicle with no greater over the road or public hazard exposure than the road test vehicle.

Issuance and renewal of all NCDL's through state motor vehicle departments.

A federal national data register monitoring capability to prevent multiple licensing. Information on vehicle operators would be included in the NCDL.

On violations, we recommend that standards for suspension or revocation be recommended in Department of Transportation regulations, and that the following categories of violations be considered serious:

Holding more than one NCDL (subject to fine and lifetime revocation).

Driving under the influence of drugs or alcohol (first offense suspension, second offense lifetime revocation).

Reckless driving, leaving the scene of an accident, felony conviction involving motor vehicle traveling ten mph or more over posted limit (suspension).

The national data register would be notified of any such convictions within five working days, and this information would be compiled and sent to state motor vehicle bureaus monthly.

Finally, The Travelers recommends the formation of an Advisory Council which would establish guidelines and regulations, and monitor the effects of the NCDL. The Council would include representatives of interested government, transportation, labor and commercial property casualty insurance parties, and be charged with establishing NCDL classifications training, and violation and accident definitions.

The Travelers is working now with representatives of many groups active in the national commercial drivers license effort to develop, either through existing state police/motor vehicle department networks, or from new technoloy, a monitoring and enforcement network capable of sustaining a national commerical drivers license law without unnecessary, costly or intrusive recordkeeping and monitoring at the federal level. As this is a crucial component to any successful NCDL program, and is already a subject of some controversy in connection with the NCDL proposal, we will keep your committee informed of our progress.

The Travelers believes a national commercial drivers license, with the kinds of safety, monitoring and enforcement provisions recommended here, is a necessary and legitimate response to the growing problem of truck safety on our nation's highways. We are grateful for your support of the NCDL concept, and would be happy to help your committee develop a technically strong, politically viable NCDL bill.

Sincerely,

PHILIP T. BROWN,
Assistant Director, Marketing Resources Division.

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